

TITLE 10
ZONING REGULATIONS

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CHAPTER 1

INTRODUCTORY PROVISIONS; DEFINITIONS

SECTION:

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10-1-1: **TITLE:** This title shall be known as the *CITY OF SENECA ZONING ORDINANCE OF 1980*. (Ord. 34, 10-7-1980 as amd. 6-1999)

10-1-2: **PURPOSE:** The intent and purpose of this title is to promote the public health, safety and general welfare and to carry out the comprehensive plan of the city, and the statewide planning goals adopted pursuant to Oregon Revised Statutes chapter 197. Therefore, approvals granted pursuant to the provisions of this title shall be based on the following considerations, among others: the characteristics of the various areas in the city, the suitability of an area for particular land uses, trends in land improvements, density of development of an area, needed access to particular sites in the city, natural resources and the need for development or conservation therefor, and the public need for healthful, safe and aesthetic surroundings and conditions. (Ord. 34, 10-7-1980 as amd. 6-1999)

10-1-3: **INTERPRETATION:** Where the conditions imposed by any provision of this title are less restrictive than comparable conditions imposed by any other provisions which are more restrictive, the more restrictive shall govern. (Ord. 34, 10-7-1980 as amd. 6-1999)

10-1-4: **DEFINITIONS:** The word "city" shall mean the city of Seneca, Oregon. The words "city council" and "council" shall mean the city council of the city of Seneca. The words "planning commission" and "commission" shall mean the city planning commission of the city of Seneca.

Words used in the present tense include the future tense; words used in the singular include the plural; words used in the plural include the singular; the word "shall" is mandatory; the word "may" is permissive; and the masculine shall include the feminine and neuter.

As used in this title, the following words and phrases shall mean:

ACCESS: The right to cross between public and private property, allowing pedestrians and vehicles to enter and leave property.

ACCESS CLASSIFICATION: A ranking system for roadways used to determine the appropriate degree of access management. Factors considered include functional classification, the appropriate local government's adopted plan for the roadway, subdivision of abutting properties, and existing level of access control.

ACCESS CONNECTION: Any driveway, street, turnout or other means of providing for the movement of vehicles to or from the public roadway system.

ACCESS CORRIDOR: A separate travelway for pedestrians and bicyclists to minimize travel distances within and between subdivisions, planned unit developments, residential areas, transit stops (if appropriate), or within and between nearby neighborhood activity centers such as schools, parks and services.

ACCESS MANAGEMENT: The process of providing and managing access to land development while preserving the regional flow of traffic in terms of safety, capacity, and speed.

**ACCESSORY USE OR
ACCESSORY
STRUCTURE:**

A use or structure, or a portion of a structure, the use of which is incidental and subordinate to the main use of the property or structure and located on the same premises as the main or primary use and/or structure.

**AIRPORT OR
AIRCRAFT LANDING
FACILITY:**

Any landing area, runway, landing pad, or other facility designed, used, or intended to be used by aircraft, including helicopters, and including all necessary taxiways, hangars and other necessary buildings and open spaces.

ALLEY:

A street or right of way which affords only a secondary means of access to property, primarily to the back or side of properties otherwise abutting on a street.

**AUTOMOBILE
SERVICE STATION:**

A retail place of business engaged primarily in the sale of motor fuels, but also supplying goods and services required in the operation and maintenance of motor vehicles. Such may include petroleum products, tires, batteries, automotive accessories, and replacement parts and items, washing and lubrication services, the performance of minor automotive maintenance and repair, and the supplying of related customer services and products.

**AUTOMOBILE
WRECKING YARD:**

A premises used for the storage and/or sale of used automobile or truck parts, and/or for the storage, dismantling or abandonment of junk, obsolete automobiles, trailers, trucks, machinery or parts thereof¹.

BASEMENT:

A story partly underground. A basement shall be counted as a story in building height measurement when the floor level directly above is more than six feet (6') above the average level of the adjoining ground.

BICYCLE:

A vehicle designed to operate on the ground on wheels, propelled solely by human power, upon

1. ORS 822.100.

which any person or persons may ride, and with every wheel more than fourteen inches (14") in diameter or two (2) tandem wheels either of which is more than fourteen inches (14") in diameter, or having three (3) wheels in contact with the ground, any of which is more than fourteen inches (14") in diameter.

BICYCLE FACILITIES: A general term denoting improvements and provisions made to accommodate or encourage bicycling, including parking facilities and all bikeways.

BIKEWAY: Any road, path, or way that is in some manner specifically open to bicycle travel, regardless of whether such facilities are designed for the exclusive use of bicycles or are shared with other transportation modes. The five (5) identified types of bikeways are:

A. Path: A paved ten (10) to twelve foot (12') wide way that is physically separated from motorized vehicular traffic.

B. Lane: A four (4) to six foot (6') wide portion of the roadway that has been designated by permanent striping and pavement markings for the exclusive use of bicycles.

C. Shoulder Bikeway: The paved shoulder of a roadway that is four (4) to six feet (6') wide.

D. Shared Roadway: A travel lane that is at least fourteen feet (14') wide and is shared by bicyclists and motor vehicles.

E. Trail: An unpaved path that accommodates all terrain bicycles.

CAMP, TOURIST OR TRAILER PARK: Any area or tract of land used or designed to accommodate two (2) or more trailers, or two (2) or more camping vehicles, tents or outfits, including cabins, the primary purpose of which is to rent space or keep space for rent to any person for a charge or fee.

**CORNER
CLEARANCE:**

The distance from a public or private road intersection to the nearest access connection, measured from the closest edge of the pavement of the intersecting road to the closest edge of the pavement of the connection along the traveled way.

CROSS ACCESS:

A service drive providing vehicular access between two (2) or more contiguous sites so the driver need not enter the public street system.

**DWELLING,
MULTI-FAMILY OR
APARTMENT:**

A building, or portion of a building, designed for occupancy by three (3) or more families or households living independently of each other.

**DWELLING,
SINGLE-FAMILY:**

A detached building containing one dwelling unit designed for occupancy by one family or one household only.

**DWELLING,
TWO-FAMILY OR
DUPLEX:**

A detached or semidetached building containing two (2) dwelling units and designed for occupancy for two (2) families or two (2) households.

DWELLING UNIT:

A building, or portion of a building, consisting of one or more rooms including a bathroom, and kitchen facilities, which are arranged, designed or used as living quarters for one family or one household.

**FAMILY OR
HOUSEHOLD:**

An individual or two (2) or more persons related by blood, marriage, legal adoption or guardianship, living together as one housekeeping unit in a dwelling unit using one kitchen, and providing meals, board and/or lodging to not more than three (3) unrelated persons, living together as one housekeeping unit using one kitchen, excluding servants; or a group of not more than five (5) persons who need not be related by blood, marriage, legal adoption or guardianship living in a dwelling unit.

FLOOD, BASE:

Inundation during periods of higher than normal stream flow, high winds, high intensity storms, or combination thereof that has a one percent

	(1%) chance of being equaled or exceeded in any given year,
FLOOD INSURANCE RATE MAP (FIRM):	The official map on which the federal insurance administration has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.
FRONTAGE (LOT):	All property fronting on one side of a street and measured along the street line, between intersecting and intercepting streets, or between a street and a right of way, waterway, end of dead end street, alley, or city boundary.
FRONTAGE ROAD:	A public or private drive which generally parallels a public street between the right of way and the front building setback line. The frontage road provides access to private properties while separating them from the arterial street.
FUNCTIONAL AREA (INTERSECTION):	That area beyond the physical intersection of two (2) roads that comprises decision and maneuver distance, plus any required vehicle storage length.
FUNCTIONAL CLASSIFICATION:	A system used to group public roadways into classes according to their purpose in moving vehicles and providing access.
GRADE, GROUND LEVEL:	The average elevation of the existing ground elevation before construction at the corner of all walls of a building. Where a building has more than four (4) corners, the average elevation shall be measured from the four (4) corners of a square or rectangle that encloses the foundation of the proposed structure.
HEIGHT OF BUILDINGS:	The vertical distance from the grade to the highest point of the coping of a flat roof, to the deck line of a mansard roof, or to the average height of the highest gable of a pitch or hip roof.

JOINT ACCESS (OR SHARED ACCESS):

A driveway connecting two (2) or more contiguous sites to the public street system.

KENNEL¹:

A lot, building or premises in or on which four (4) or more dogs, cats or other animals at least four (4) months of age are kept commercially for board, propagation, training or sale.

LIVESTOCK²:

Domestic animals of types customarily raised or kept on farms for profit or other purposes, and includes horses, mules, asses, cattle, sheep, swine, goats, llamas, and poultry, including turkeys, of any age or sex³.

LOADING SPACE:

An off street space within a building or on the same lot with a building, for the temporary parking of a commercial vehicle or truck while loading or unloading merchandise or materials, and which space has direct access to a street or alley.

LOT:

A unit of land (a plot, parcel or tract of land) that is created by a duly platted and approved subdivision or partitioning of land, or a parcel or tract or contiguous parcels or tracts of land under a single ownership on or before the effective date hereof⁴.

LOT AREA:

The total horizontal net area within the lot lines of a lot to mean that square footage of a lot that is free from public and private road rights of way or easements for access, and river or stream channels.

LOT, CORNER:

A lot abutting on two (2) intersecting streets, other than an alley; provided, that the streets do not intersect at an angle greater than one hundred thirty five degrees (135°).

1. See also subsection 10-9-5C of this title.

2. See also section 5-1-1 of this code.

3. ORS 599.205.

4. ORS 92.010.

LOT, DEPTH:	The average horizontal distance between the front and rear lot lines.
LOT, FLAG:	A lot not meeting minimum frontage requirements and where access to the public road is by a narrow, private right of way line.
LOT LINE:	The property line bounding a lot.
LOT LINE, FRONT:	The lot line separating a lot from a street other than an alley, and in the case of a corner lot, the shortest lot line along such a street.
LOT LINE, REAR:	The lot line which is opposite and most distant from the front lot line. In the case of an irregular, triangular or other odd shaped lot, a line ten feet (10') in length within the lot, parallel to, and at a maximum distance from the front lot line.
LOT LINE, SIDE:	Any lot line other than a front or rear lot line bounding a lot.
LOT, THROUGH OR DOUBLE FRONTAGE:	A lot having frontage on two (2) parallel or approximately parallel streets other than alleys.
LOT WIDTH:	The average horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between the front and rear lot lines.
MARQUEE:	A permanent roofed structure attached to or supported by a building, but does not mean a canopy.
MOBILE HOME OR MANUFACTURED DWELLING OR RESIDENTIAL TRAILER:	A structure designed or used for residential occupancy dependent upon external utility connections and built upon a frame or chassis to which wheels may be attached by which it may be moved upon a highway, irrespective of whether or not such structure has, at any given time, such wheels attached, or is supported upon posts, footings or a foundation and manufactured prior to June 15, 1976, and not bearing the Oregon insignia of compliance.

**MOBILE HOME OR
MANUFACTURED
DWELLING PARK:**

Any location where two (2) or more mobile homes are parked within five hundred feet (500') of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent space or keep space for rent to any person for a charge or fee to be paid for rental or use of facilities or to offer space free in connection with securing the trade or patronage of such person.

**MODULAR OR
MANUFACTURED
HOME:**

A multisectional or factory built house certified to meet the 1976 HUD standards and the housing standards of the Oregon department of consumer and business services, designed to be affixed to real property on a permanent foundation; and manufactured homes built after June 15, 1976, and bearing the insignia of compliance of the Oregon building codes division of the department of consumer and business services.

**MUNICIPAL WATER
SUPPLY OR SEWAGE
DISPOSAL SYSTEM:**

A domestic water supply source and distribution system or sewage disposal system owned and operated by a city or county; or owned and operated by a special district or other public corporation which has independent tax levying powers to support the system.

NEW CONSTRUCTION:

Any structure for which the "start of construction" commenced on or after the effective date hereof.

NURSERY, DAY:

An institution, establishment or place in which are commonly received at one time three (3) or more children not of common parentage under the age of fourteen (14) years for a period or periods not exceeding twelve (12) hours for the purpose of being given board, care and training apart from parents or guardians for compensation or reward.

OWNER:

The owner of the title to real property or his authorized agent, or the contract purchaser of real property of record as shown on the last

available complete tax assessment roll, county clerk's records or city recorder's records¹.

PARKING SPACE:

A clear, off street area, at least nine feet (9') in width and eighteen feet (18') in length, available for the temp-parking or storage of one standard American automobile, with surfacing as required by this title, together with maneuvering and access space and facilities as required by this title. A "compact parking space" means an area at least eight feet (8') in width and sixteen feet (16') in length, available for the parking of a compact automobile.

PEDESTRIAN FACILITIES:

A general term denoting improvements and provisions made to accommodate or encourage walking, including sidewalks, accessways, and paths.

PERSON:

Every natural person, firm, partnership, association, social or fraternal organization, corporation, trust, estate, receiver, syndicate, branch of government, or any group or combination acting as a unit.

PRIMARY, PRINCIPAL OR MAIN USE:

The first use to which property is or may be devoted, and to which all other uses on the premises are derived as accessory or secondary uses. As used relative to dwelling units, the primary dwelling shall be the first dwelling unit to be located on a specific lot or parcel.

PRIVATE ROAD:

A road under the jurisdiction of a private person or entity that provides the principal means of access to an abutting property or public street.

PUBLIC OR SEMIPUBLIC USE:

A use owned and operated by a public, governmental or nonprofit organization for the benefit of the public in general. This does not include landfill sites, solid waste disposal sites, garbage dumps, recycling facilities, or utility facilities.

1. ORS 308A.300(3).

PUBLIC ROAD:	A road under the jurisdiction of a public body that provides the principal means of access to an abutting property.
REASONABLE ACCESS:	The minimum number of access connections, direct or indirect, necessary to provide safe access to and from a roadway, as consistent with the purpose and intent of this title and any applicable plans and policies of the city of Seneca.
RECREATION CAMPS, RESORTS AND PARKS:	An area devoted to facilities and equipment for recreational purposes, including swimming pools, tennis courts, playgrounds and other similar uses, whether the use of such area is limited to private membership or whether open to the public upon payment of a fee, or an area designated by the landowner for picnicking or overnight camping and offered to the general public, whether or not a fee or charge is made for such accommodations ¹ .
RECREATIONAL VEHICLE:	A vacation trailer or other unit with or without motive power, which is designed for human occupancy and is to be used temporarily for recreational, seasonal or emergency purposes, and has a gross floor space of less than four hundred (400) square feet. The unit shall be identified as a recreational vehicle by the manufacturer and so licensed, and includes camping trailers, camping vehicles, motor homes, park trailers, bus conversions, van conversions, tent trailers, travel trailers, truck campers, and any vehicle converted for use as a recreational vehicle ² .
RIGHT OF WAY:	Land reserved, used, or to be used for highway, street, alley, walkway, drainage facility or other public purpose.

1. ORS ch. 446.

2. ORS 446.003(37).

RIPARIAN:	Means of, or pertaining to, or situated on the edge of the bank of a river, stream or other body of water.
ROAD OR STREET:	A public or private way that is created to provide ingress and egress for persons to one or more lots, parcels, areas or tracts of land, excluding a private way that is created to provide ingress or egress to such land in conjunction with the use of such land for agricultural or forestry purposes. Such includes the entire width of a right of way which provides for public use for the purpose of vehicular and pedestrian traffic and includes the terms "highway", "lane", "place", "avenue", "alley", or other similar designations ¹ .
ROADWAY:	That portion of a street or road right of way developed for vehicular traffic.
SETBACK (YARD):	An open space on a lot which is unobstructed from the ground upward, except as otherwise provided in this title.
Setback, Front:	A setback between side lot lines and measured horizontally and at right angles to the front lot line from the front lot line to the nearest point of a building.
Setback, Rear:	A yard between side lot lines and measured horizontally and at right angles from the side lot line from the rear lot line to the nearest point of a building.
Setback, Side:	A setback between the front and rear yard measured horizontally and at right angles to the rear lot line from the rear lot line to the nearest point of a building.
Setback, Street Side:	A setback adjacent to a street between the front setback and rear lot line measured horizontally

1. ORS 92.010(13).

and at right angles from the side lot line to the nearest point of a building.

**SIGNIFICANT
CHANGE IN TRIP
GENERATION:**

A change in the use of the property, including land, structures or facilities, or an expansion of the size of the structures or facilities, causing an increase in trip generation of the property exceeding: 1) local, ten percent (10%) more trip generation (either peak or daily) and one hundred (100) vehicles per day more than the existing use for all roads under local jurisdiction; or 2) state exceeding twenty five percent (25%) more trip generation (either peak or daily) and one hundred (100) vehicles per day more than the existing use for all roads under state jurisdiction.

**START OF
CONSTRUCTION:**

Includes the first placement of permanent construction of a structure (other than a mobile home) on a site, such as the pouring of slabs or footings or any work beyond the preparation, such as clearing, grading and filling; not including excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings such as garages or sheds not occupied as dwelling units or not a part of the main structure. For a structure (other than a mobile home) without a basement or poured footings, the "start of construction" includes the first permanent framing or assembly of the structure or any part of the structure on its piling or foundation. For mobile homes not within a mobile home subdivision or mobile home park, the "start of construction" means the date on which construction of facilities for servicing the site on which the mobile home is to be affixed (including, at a minimum, the construction of streets, either final site grading or the pouring of concrete pads, and installation of utilities) is completed.

STRUCTURE:

That which is built or constructed. An edifice or building of any kind or any piece of work

artificially built up or composed of parts joined together in some definite manner and which requires location on the ground or which is attached to something having a ground location. Also includes a walled and roofed building including a gas or liquid storage tank that is principally aboveground.

STUB OUT (STUB STREET):

A portion of a street or cross access drive used as an extension to an abutting property that may be developed in the future.

TRAVELER'S ACCOMMODATIONS:

Any establishment having rooms or apartments for transients for a charge or fee paid or to be paid for rental or use of facilities.

USE:

The purpose for which land or a structure is designed, arranged or intended, or for which it is occupied or maintained.

UTILITY FACILITY:

Any major structure owned or operated by a public, private or cooperative electric, fuel, communication, sewage or water company for the generation, transmission, distribution or processing of its products or for the disposal of cooling water, waste or byproducts, and including power transmission lines, major trunk pipelines, power substations, dams, water towers, sewage lagoons, sanitary landfills and telephone and power distribution lines and similar minor facilities allowed in any zone.

VISION CLEARANCE AREA:

A triangular area on a lot at the intersection of two (2) streets or a street and a railroad, two (2) sides of which are lot lines measured from the corner intersection of the lot lines to a distance specified in this title. The third side of the triangle is a line across the corner of the lot joining the ends of the other two (2) sides. Where the lot lines at intersections have rounded corners, the lot lines will be extended in a straight line to a point of intersection. (Ord. 34, 10-7-1980 as amd. 6-1999; amd. 2007 Code)

10-1-5: COMPLIANCE WITH TITLE:

- A. A lot may be used and a structure or part of a structure may be constructed, reconstructed, altered, occupied, or used only as this title permits.
- B. No lot area, yard or other open space existing on or after the effective date hereof shall be reduced below the minimum required for it by this title.
- C. No lot area, yard or other open space which is required by this title for one use shall be used as the required lot area, yard or open space for another use. (Ord. 34, 10-7-1980 as amd. 6-1999)

10-1-6: ZONING PERMIT: Prior to construction, reconstruction, alteration or change of use of any structure or lot for which a zoning permit is required, a zoning permit for such construction, reconstruction, alteration, or change of use shall be obtained from the city or authorized agent thereof. A zoning permit shall be void after six (6) months unless construction has commenced. (Ord. 34, 10-7-1980 as amd. 6-1999)

10-1-7: ABROGATION AND GREATER RESTRICTIONS: It is not intended by this title to repeal, abrogate or impair any existing easements, covenants, or deed restrictions. (Ord. 34, 10-7-1980 as amd. 6-1999)

CHAPTER 2

ADMINISTRATION AND ENFORCEMENT

SECTION:

- 10-2- 1: Administrative Officials
- 10-2- 2: Application For Use; Approval Or Denial
- 10-2- 3: Appeal And Hearing
- 10-2- 4: Form Of Petitions, Applications And Appeals
- 10-2- 5: Public Notice
- 10-2- 6: Sewage Disposal Approval
- 10-2- 7: Filing Fees
- 10-2- 8: Revocation Or Modification Of Permit
- 10-2- 9: Severability
- 10-2-10: Remedies
- 10-2-11: Violation Declared Nuisance
- 10-2-12: Criminal Penalties

10-2-1: **ADMINISTRATIVE OFFICIALS:** The city recorder-manager, city planning commission and/or the city council shall have the power and the duty to enforce the provisions of this title. The city council may appoint agents to issue zoning permits and to otherwise assist the city recorder-manager in the processing of applications. (Ord. 34, 10-7-1980 as amd. 6-1999)

10-2-2: **APPLICATION FOR USE; APPROVAL OR DENIAL:** Approval or denial of an application for a use permitted by this title shall be based upon and accompanied by a brief statement that explains the criteria and standards considered relevant to the decision, states the facts relied upon in rendering the decision, and explains the justification for the decision based on the criteria, standards and facts set forth. (Ord. 34, 10-7-1980 as amd. 6-1999)

10-2-3: **APPEAL AND HEARING:** A person may appeal to the city council from a decision or requirement made by the planning

commission. A person may appeal to the planning commission from a decision or requirement made pursuant to this title by the city recorder-manager or other city official. Written notice of the appeal must be filed with the city within fifteen (15) days after the decision or requirement is made. The notice of appeal shall state the nature of the decision or requirement and the grounds for appeal.

- A. The city council or planning commission shall hold a hearing on the appeal within thirty (30) days from the time the appeal is filed. The city council or commission may continue the hearing for good cause.
- B. The city council or planning commission may review a lower decision upon its own motion after giving ten (10) days' notice to the parties involved in the decision, and if such review is within fifteen (15) days of receipt of notice of said initiated lower decision.
- C. An appeal or review proceeding shall be based upon, but not limited to, the record of the decision being appealed or reviewed.
- D. Following the hearing, the city council or commission may overrule or modify any decision or requirement and shall set forth findings for such decision.
- E. The procedure, public notice and type of hearing for an appeal or review shall be in the same manner as for any application under this title. (Ord. 34, 10-7-1980 as amd. 6-1999)

10-2-4: FORM OF PETITIONS, APPLICATIONS AND APPEALS:
Petitions, applications, and appeals provided for in this title shall be made on forms prescribed by the city. Applications shall be accompanied by the plans and specifications, drawn to scale, showing the actual shape and dimensions of the lot to be built upon; the sizes and locations on the lot of all existing and proposed structures; the intended use of each structure, the number of families, if any, to be accommodated thereon; the relationship of the property to the surrounding area; and such other information as is needed to determine conformance with this title. (Ord. 34, 10-7-1980 as amd. 6-1999)

10-2-5: PUBLIC NOTICE:

- A. **Publication In Newspaper:** Each notice of hearing authorized or required by this title shall be published in a newspaper of general

circulation in the city at least ten (10) days prior to the date of hearing.

- B. **Mailing Of Notice To Property Owners:** In addition, a notice of hearing on a conditional use, appeal to a variance, or an amendment to the zoning map shall be mailed to all owners of property within two hundred fifty feet (250') of the property for which the appeal, variance, conditional use, or zoning map amendment has been requested. The notice of hearing shall be mailed at least ten (10) days prior to the date of hearing.
- C. **Failure To Receive Notice:** Failure of a person to receive the notice prescribed in this section shall not impair the validity of the hearing.
- D. **Giving Notice By Other Means:** The notice provisions of this section shall not restrict the giving of notice by other means, including mail, the posting of property, or the use of radio and television.
- E. **Notice To Affected Agencies; Information Required:** The city shall provide timely notice to Grant County or Oregon department of transportation (ODOT) regarding any land use action on or adjacent to a county or state transportation facility as appropriate.

1. Information that should be conveyed to reviewers includes:

- a. Project location.
- b. Proposed land use action.
- c. Location of project access point(s).

2. Additional information that could be supplied to the review upon request (provided the information is available) includes a site plan showing the following:

- a. Distances to neighboring constructed access points, median openings, traffic signals, intersections, and other transportation features on both sides of the property;
- b. Number and direction of lanes to be constructed on the driveway, plus striping plans;
- c. All planned transportation features (lanes, signals, bikeways, walkways, crosswalks, etc.);

d. Trip generation data or appropriate traffic studies;

e. Parking and internal circulation plans for vehicles and pedestrians;

f. Plat map showing property lines, rights of way, and ownership of abutting properties; and

g. A detailed description of any requested variance. (Ord. 34, 10-7-1980 as amd. 6-1999)

10-2-6: **SEWAGE DISPOSAL APPROVAL:** No zoning permit shall be issued for any use or structure which will have an individual sanitary subsurface disposal system until written approval is obtained by the applicant for said system. (Ord. 34, 10-7-1980 as amd. 6-1999)

10-2-7: **FILING FEES:**

A. Application Fees Established: An application required by this title shall be accompanied by a filing fee in an amount as set forth by this section as follows:

Conditional use permit	\$ 25.00
Variance application	25.00
Zone or text amendment	100.00
Appeal to the commission	25.00
Appeal to the city council	50.00

Plus 0.1 percent (0.001) of the project valuation over \$25,000.00 up to a maximum of \$2,500.00

B. Fee For Petition For Appeal: A petition for appeal to the city council shall be accompanied by the required fee of fifty dollars (\$50.00), plus a deposit to cover the estimated cost of the transcript as specified by the city recorder-manager, which deposit shall be paid within five (5) days of such estimate. Within ten (10) days of such notice of completion of a required transcript, the party seeking review shall transmit the balance due of any required transcript fee to the city recorder-manager, and failure to do so may cause dismissal of the appeal. Any deposit in excess shall be returned to the depositing party.

- C. **Refund Of Fees:** Refund of the above fees shall be based upon the following circumstances:
1. Request is withdrawn prior to public notice being sent out (full refund).
 2. Request withdrawn after notices sent out (refund minus costs incurred by city).
 3. Request withdrawn during or after at least one public hearing (no refund). (Ord. 34, 10-7-1980 as amd. 6-1999)

10-2-8: REVOCATION OR MODIFICATION OF PERMIT:

- A. **Grounds:** The city may revoke or modify any permit granted under the provisions of this title on any one or more of the following grounds:
1. A permit may be revoked on the basis of fraud, concealment, or misrepresentation or on the basis of wrong information supplied on the application, or wrong information given to the city at a public hearing.
 2. A permit may be revoked on the basis that the use for which such permit was granted is not being exercised within the time limit set forth by the city or this title.
 3. A permit may be revoked on the basis that the use for which such permit was granted has ceased to exist or has been suspended for one year or more.
 4. A permit may be revoked or modified on the basis that the permit granted is being, or recently has been, exercised contrary to the terms or conditions of such approval, or in violation of any statute, code, resolution, law or regulations.
 5. A permit may be revoked or modified on the basis that the use for which the permit was granted was so exercised as to be detrimental to the public health, safety or welfare or in such a manner to constitute a nuisance.
- B. **Time Limit For Use Of Permit:** Any permit granted pursuant to this title shall become null and void if not exercised within the time period

specified in such permit, or if no time period is specified in the permit, within one year from the date of approval of said permit.

- C. Hearing: The city council shall hold a public hearing on any proposed revocation after giving written notice to the permittee and other affected persons as set forth in this title. The city council shall render its decision within forty five (45) days after the conclusion of the hearing. (Ord. 34, 10-7-1980 as amd. 6-1999)

10-2-9: **SEVERABILITY:** The provisions of this title are severable. If any section, sentence, clause or phrase of this title is adjudged by a court of competent jurisdiction to be invalid, the decision shall not affect the validity of the remaining portions of this title. (Ord. 34, 10-7-1980 as amd. 6-1999)

10-2-10: **REMEDIES:** In case a building or other structure is, or is proposed to be, located, constructed, maintained, repaired, altered, or used, or any land is, or is proposed to be, used in violation of this title, the city council or a person whose interest in real property in the city is or may be affected by the violation, may, in addition to other remedies provided by law, institute injunction, mandamus, abatement, or other appropriate proceedings to prevent, temporarily or permanently enjoin, abate, or remove the unlawful location, construction, maintenance, repair, alteration, or use. When a temporary restraining order is granted in a suit instituted by a person who is not exempt from furnishing bonds or undertakings under state law, the person shall furnish undertaking as provided in Oregon Revised Statutes. (Ord. 34, 10-7-1980 as amd. 6-1999; amd. 2007 Code)

10-2-11: **VIOLATION DECLARED NUISANCE:** The location, erection, construction, maintenance, repair, alteration or use of a building or structure or the subdivision, other partitioning, or other use of land, in violation of this title is declared a nuisance. (Ord. 34, 10-7-1980 as amd. 6-1999)

10-2-12: **CRIMINAL PENALTIES:**

- A. The location, erection, construction, maintenance, repair, alteration, or use of a building or structure or the subdivision, other partitioning or other use of land, in violation of this title is punishable upon

conviction by fine of not more than five hundred dollars (\$500.00) for a noncontinuing offense and a fine of not more than one thousand dollars (\$1,000.00) for continuing offense.

- B. Each and every day in which a location, erection, maintenance, repair, alteration or use of a building or structure or the subdivision, other partitioning or other use of land, in violation of this title continues is a separate offense. (Ord. 34, 10-7-1980 as amd. 6-1999)

CHAPTER 3

ZONING DISTRICTS; MAP

SECTION:

- 10-3-1: Establishment Of Zones
 10-3-2: Location Of Zones
 10-3-3: Zoning Map
 10-3-4: Zone Boundaries

- 10-3-1: **ESTABLISHMENT OF ZONES:** For the purpose of this title, the following zones are hereby established:

<u>Zone Title</u>	<u>Article Of Chapter 4</u>
R-1 General residential zone	Article A
C-1 General commercial zone	Article B
M-1 General industrial zone	Article C
P-R Park reserve zone	Article D
FP Floodplain combining zone	Article E

(Ord. 34, 10-7-1980 as amd. 6-1999)

- 10-3-2: **LOCATION OF ZONES:** The boundaries for the zones listed in this title are indicated on the "1980 City Zoning Map", which is hereby adopted by reference. The boundaries shall be modified in accordance with zoning map amendments which shall be adopted by reference. (Ord. 34, 10-7-1980 as amd. 6-1999)

- 10-3-3: **ZONING MAP:** A zoning map or zoning map amendment adopted by section 10-3-2 of this chapter or by an amendment thereto shall be prepared by authority of the planning commission or by a modification by the city council of a map amendment so prepared. The map or map amendment shall be dated with the effective date of the ordinance that adopts the map or map amendment. A certified

print of the adopted map or map amendment shall be maintained in the office of the city recorder-manager as long as the provisions of this title remain in effect. (Ord. 34, 10-7-1980 as amd. 6-1999)

10-3-4: **ZONE BOUNDARIES:** Unless otherwise specified, zone boundaries are section lines, subdivision lines, lot lines, centerlines of street or railroad rights of way, watercourses, ridges or rimrocks, or such lines extended. Whenever uncertainty exists as to the boundary of a zone as shown on the zoning map or amendment thereto, the following regulations shall control:

- A. Where a boundary line is indicated as following a street, alley, canal or railroad right of way, it shall be construed as following the centerline of such right of way.
- B. Where a boundary line follows or approximately coincides with a section line or division thereof, lot or property ownership line, it shall be construed as following such line.
- C. If a zone boundary as shown on the zoning map divides a lot or parcel between two (2) zones, the entire lot or parcel shall be deemed necessary to be in the zone in which the greater area of the lot or parcel lies. (Ord. 34, 10-7-1980 as amd. 6-1999)

CHAPTER 4

USE ZONES, REGULATIONS

ARTICLE A. R-1 GENERAL RESIDENTIAL ZONE

SECTION:

- 10-4A-1: Scope
- 10-4A-2: Uses Permitted Outright
- 10-4A-3: Conditional Uses Permitted
- 10-4A-4: Limitations On Uses; Animal Control
- 10-4A-5: Lot Size
- 10-4A-6: Dimensional Standards And Setbacks
- 10-4A-7: Off Street Parking And Loading
- 10-4A-8: Redivision Standards

10-4A-1: **SCOPE:** In an R-1 zone, the regulations in this article shall apply. (Ord. 34, 10-7-1980 as amd. 6-1999)

10-4A-2: **USES PERMITTED OUTRIGHT:** In an R-1 zone, the following uses and their accessory uses are permitted outright:

Farm use subject to the limitations on livestock set forth in section 10-4A-4 of this article, and excluding livestock feedlots and sales yards, hog and mink farms, and stud horses.

Multi-family dwelling complexes of ten (10) or less units.

Planned unit development, subdivision and land partitioning, including mobile home subdivision and PUDs.

Single-family dwellings, including a mobile home on an individual lot subject to the requirements set forth in subsection 10-5-7A of this title.

Two-family dwellings. (Ord. 34, 10-7-1980 as amd. 6-1999)

10-4A-3: **CONDITIONAL USES PERMITTED:** In an R-1 zone, the following uses and their accessory uses are permitted when authorized in accordance with the requirements set forth in chapter 9 of this title:

Church.

Golf course and other open land recreational use, but excluding intensive commercial amusement uses such as "pitch and putt" golf course, driving range, automobile or motorcycle race track, or amusement park.

Governmental structure, or use including park, playground, recreation building, fire station, library or museum and limited thereto.

Home occupations conducted in a structure accessory to the dwelling; provided, that all other limitations of home occupations are observed¹.

Hospital, sanitarium, rest home, home for the aged, nursing home or convalescent home, and medical or dental clinic.

Mobile home park.

Multi-family dwelling complex of more than ten (10) units.

Privately operated kindergarten or day nursery, provided the residential character of the building is maintained.

School or college.

Utility facility necessary for public service.

Water supply and sewage treatment facility. (Ord. 34, 10-7-1980 as amd. 6-1999)

10-4A-4: **LIMITATIONS ON USES; ANIMAL CONTROL²:** The following limitations of uses permitted by subsection 10-3A-3 of this article shall apply:

1. See subsection 10-9-5D of this title.

2. See also section 5-1-1 of this code.

- A. Cows, sheep or goats cannot be kept on lots having an area of less than twenty thousand (20,000) square feet, and under no circumstances shall they be kept for commercial purposes. The total number of all such animals (other than their young under the age of 6 months) allowed on a lot shall be limited to the square footage of the lot divided by the total minimum area required for each animal which is twenty thousand (20,000) square feet.
- B. Chickens, fowl, and/or rabbits may be kept but shall not create a nuisance.
- C. Animals, chickens, and/or fowl shall be properly caged or housed, and proper sanitation shall be maintained at all times. All animal or poultry food shall be stored in metal or other rodentproof receptacles.
- D. No other livestock except for domestic dogs and cats are permitted, except as approved by the city. (Ord. 34, 10-7-1980 as amd. 6-1999)

10-4A-5: **LOT SIZE:** In an R-1 zone, the following lot sizes shall apply:

- A. For a single-family dwelling served by both an approved municipal water system and an approved municipal sewerage system, the minimum lot area shall be seven thousand (7,000) square feet.
- B. For a two-family dwelling served by an approved municipal water system and an approved municipal sewerage system, the minimum lot area shall be ten thousand (10,000) square feet.
- C. For a multi-family dwelling unit having one story and served by both an approved community or municipal water system and an approved community or municipal sewerage system, the minimum lot area shall be ten thousand (10,000) square feet, plus two thousand five hundred (2,500) square feet for each dwelling unit over two (2).
- D. For a multi-family dwelling unit having more than one story and served by both an approved community or municipal water system and an approved community or municipal sewerage system, the minimum lot area shall be ten thousand (10,000) square feet, plus one thousand five hundred (1,500) square feet for each dwelling unit over two (2). (Ord. 34, 10-7-1980 as amd. 6-1999)

10-4A-6: **DIMENSIONAL STANDARDS AND SETBACKS:** In an R-1 zone, the following requirements shall apply:

- A. **Percent Of Coverage:** The main building and accessory building on any building site or lot shall not cover in excess of thirty percent (30%) of the lot area.
- B. **Yards:**
1. **Front Yard:** Front yards shall not be less than twenty feet (20') deep.
 2. **Side Yards:** The sum of the width of side yards shall be a minimum of twelve feet (12'), and each side yard shall be a minimum of three feet (3'), except that on corner lots the side yard on the street side shall be a minimum of ten feet (10').
 3. **Rear Yards:** A rear yard shall be a minimum of ten feet (10'), except as set forth in subsection 10-5-5A of this title.
- C. **Building Height:** No building or structure nor the enlargement of any building or structure shall be hereafter erected to exceed two and one-half (2^{1/2}) stories or more than thirty five feet (35') in height, except hospitals, public schools or churches, which may be increased in height to three (3) stories or forty five feet (45').
- D. **Vision Clearance¹:**
1. On corner lots there shall be a minimum of twenty feet (20'), except as otherwise set forth in subsection 10-5-2B of this title.
 2. Vision clearance on alley-street intersections shall be a minimum of seven and one-half feet (7^{1/2}'). (Ord. 34, 10-7-1980 as amd. 6-1999)

10-4A-7: **OFF STREET PARKING AND LOADING:** In an R-1 zone, off street parking and loading shall be provided in accordance with the provisions of chapter 6 of this title. (Ord. 34, 10-7-1980 as amd. 6-1999)

1. See definition of "vision clearance" in section 10-1-4 of this title.

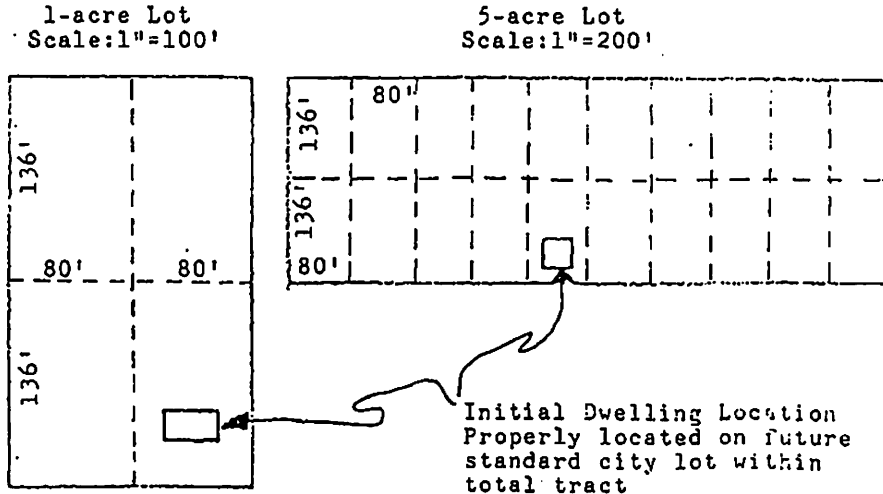
10-4A-8: REDIVISION STANDARDS:

A. Generally: All lots created in the R-1 zone shall be either at acceptable urban densities with full urban services, or shall be so designed and of such area and configuration as to permit future redivision. No lot shall be permitted which is not feasible for redivision into at least four (4) standard sized residential lots and the initial structure(s) are so located as to facilitate such future redivision.

B. Example: The example below shows how a plan therefor shall be prepared and submitted to and approved by the city:

1. Exception To Redivision Requirements: The city may grant a special variance to the redivision standards only in the case of a proposed multi-family dwelling complex or mobile home park which requires the full parcel area for full development, and only in the case where the necessary land area is not reasonably available within the areas of the city zoned R-1 or C-1 and respectively designated.

2. Figure: The following figure applies to the redivision standards:



(Ord. 34, 10-7-1980 as amd. 6-1999)

CHAPTER 4

USE ZONES, REGULATIONS

ARTICLE B. C-1 GENERAL COMMERCIAL ZONE

SECTION:

- 10-4B-1: Scope
- 10-4B-2: Uses Permitted Outright
- 10-4B-3: Conditional Uses
- 10-4B-4: Dimensional Standards And Setbacks
- 10-4B-5: Use Limitations
- 10-4B-6: Sign Limitations
- 10-4B-7: Off Street Parking And Loading

10-4B-1: **SCOPE:** In a C-1 zone, the regulations in this article shall apply. (Ord. 34, 10-7-1980 as amd. 6-1999)

10-4B-2: **USES PERMITTED OUTRIGHT:** In a C-1 zone, the following uses and their accessory uses are permitted outright:

Agricultural or horticultural use, provided no livestock or poultry is kept within one hundred feet (100') of a dwelling not on the same lot.

Bank or other financial institution.

Business or professional office.

Church.

Community meeting building, fraternal or social organization.

Department or furniture store.

Drugstore.

Eating or drinking establishment not including drive-ins or those serving alcoholic beverages.

Food, grocery or general merchandise store.

Gift shop or similar tourist oriented specialty shops.

Home appliance repair.

Hospital or nursing home.

Laundry or dry cleaning institution.

Medical or dental clinic.

Parking facility.

Personal service business.

Printing shops, newspapers or other publishing business.

Public or private school.

Public park, playground or similar recreational use, and public school.

Retail trade establishment.

Self-service laundry.

Sporting goods store. (Ord. 34, 10-7-1980 as amd. 6-1999)

10-4B-3: **CONDITIONAL USES:** In a C-1 zone, the following uses and their accessory uses are permitted when authorized in accordance with the provisions of chapter 9 of this title:

Automotive sales and service.

Boat, trailer, or mobile home sales and service.

Building supply outlet.

Cabinet or carpenter shop.

Car wash.

Commercial activity or use directly serving agriculture.

Commercial recreation facility.

Day nursery.

Drive-in theater.

Eating or drinking establishment, including drive-in restaurants and those serving alcoholic beverages.

Farm and heavy equipment sales and service.

Mobile home park.

Mortuary.

Motel, hotel.

Multi-family dwelling.

Plant nursery or greenhouse.

Plumbing, heating or electrical shop.

Public or semipublic use and public utility facility.

Radio or TV station.

Resumption of a residential use including a mobile home for a single- or two-family dwelling where the use has been previously conducted for a period exceeding one year.

Service station, truck stop.

Sheet metal shop.

Utility substation.

Veterinary clinic or kennel. (Ord. 34, 10-7-1980 as amd. 6-1999)

10-4B-4: DIMENSIONAL STANDARDS AND SETBACKS:**A. Yards:** In a C-1 zone, the minimum yard requirements shall be as follows:

1. A front yard shall be a minimum of twenty feet (20') between a building or structure and the street right of way line, except as otherwise approved by the city.

2. A side or rear yard abutting a street shall be a minimum of ten feet (10').

3. A side or rear yard abutting a residential zone shall be a minimum of twenty five feet (25').

4. A rear yard abutting an alley shall be ten feet (10') when said alley is used for servicing the commercial establishment.

B. Height Of Building: In a C-1 zone, no building shall exceed a height of forty five feet (45').**C. Lot Coverage:** In a C-1 zone, buildings shall not occupy more than seventy percent (70%) of the total lot area, except as approved by the commission.**D. Lot Size:** In a C-1 zone, the minimum lot size shall be as follows, except if located within the urban growth boundary of a city, the lot size standards set forth therein shall apply:

1. For residential uses permitted pursuant to this section, the residential lot size standards set forth in the R-1 zone shall apply.

2. For all other uses permitted by this section, the minimum lot size shall be governed by combined yard, lot coverage, off street parking requirements, and other requirements set forth by this section. (Ord. 34, 10-7-1980 as amd. 6-1999)

10-4B-5: USE LIMITATIONS: In a C-1 zone, permitted uses shall be subject to the following limitations and standards:

All parking demand created by any use permitted under the provisions of this article shall be accommodated on the subject premises entirely off street, except as approved by the city. (Ord. 34, 10-7-1980 as amd. 6-1999)

10-4B-6: **SIGN LIMITATIONS:** In addition to standards and regulations set forth by this title relative to signs, by Oregon Revised Statutes chapter 377, and by administrative rules adopted pursuant thereto when applicable in a C-1 zone, the following sign limitations shall apply:

- A. No freestanding sign shall exceed two hundred (200) square feet and height of twenty feet (20').
- B. No sign shall exceed twenty five percent (25%) of the area of the wall it is attached to.
- C. No sign shall be located within or protrude into or over a street right of way.
- D. All signs shall be located in such a manner so as to not shine or reflect glare directly onto a lot in an abutting residential zone or onto a street right of way. (Ord. 34, 10-7-1980 as amd. 6-1999)

10-4B-7: **OFF STREET PARKING AND LOADING:** In a C-1 zone, off street parking and loading shall be provided in accordance with provisions of this article and chapter 6 of this title. (Ord. 34, 10-7-1980 as amd. 6-1999)

CHAPTER 4

USE ZONES, REGULATIONS

ARTICLE C. M-1 GENERAL INDUSTRIAL ZONE

SECTION:

- 10-4C-1: Scope
- 10-4C-2: Uses Permitted Outright
- 10-4C-3: Conditional Uses
- 10-4C-4: Use Limitations
- 10-4C-5: Dimensional Standards And Setbacks
- 10-4C-6: Off Street Parking And Loading

10-4C-1: **SCOPE:** In an M-1 zone, the regulations in this article shall apply. (Ord. 34, 10-7-1980 as amd. 6-1999)

10-4C-2: **USES PERMITTED OUTRIGHT:** In an M-1 zone, the following uses and their accessory uses are permitted outright, except as limited by section 10-4C-4 of this article:

Agricultural products storage and processing plant except as set forth in section 10-4C-3 of this article.

Compounding, packaging and storage of cosmetics, drugs, perfumes, pharmaceuticals, soap or toiletries, excluding all processes involving refining or rendering of fats and oils.

Contractor's or building materials business, and other construction related businesses including plumbing, electrical, roofing, siding, etc.

Farming.

Freight depot.

Government buildings including armories, maintenance, repair, or storage facilities.

Ice or cold storage plant.

Laboratory for experiments, research or testing.

Lumber and other wood products manufacturing.

Manufacture, repair or storage of ceramic products, musical instruments, novelties, rubber or metal stamps, toys, optical goods, scientific or electronic supplies and equipment, business machines, pleasure boats, furniture, signs and similar operations, provided no outside storage is involved.

Processing, packaging and storage of foods and beverages excluding those involving distillation, fermentation, rendering of fats or oils, and slaughtering.

Railroad trackage and related facilities.

Residence, including a mobile home for caretaker or night watchmen on property with an existing industrial use, or for the owner of said industrial use.

Retail, wholesale or service business establishments, except uses set forth in section 10-4C-3 of this article and subject to the limitations set forth in section 10-4C-4 of this article.

Veterinary clinic or kennel.

Welding, sheet metal, or machine shop, provided such is wholly enclosed within a building or all outside storage is enclosed by sight obscuring fencing.

Wholesale distribution outlet, including warehousing, but excluding open outside storage. (Ord. 34, 10-7-1980 as amd. 6-1999)

10-4C-3: **CONDITIONAL USES:** In an M-1 zone, the following uses and their accessory uses are permitted when authorized in accordance with the provisions of this article and chapter 9 of this title:

Any use permitted by section 10-4C-2 of this article adjacent to a lot in a residential use.

Any use permitted by section 10-4C-2 of this article which is proposed to exceed or expected to exceed the following standards:

Generates any odor, fumes, glare, flashing lights or noise which is perceptible from a resident located within five hundred feet (500') from the property line of the subject use without instruments.

Automobile and other automotive wrecking yard.

Commercial feedlot, stock yard, sales yard, slaughterhouse, and rendering plant.

Concrete or ready-mix plants.

Manufacture, repair or storage of articles manufactured from bone, cellophane, cloth, cork, feathers, felt, fiber, glass, stone, paper, plastic, precious or semiprecious stone or metal, wax, wire, wood, rubber, yarn and similar materials, provided such uses do not create a nuisance because of odor, noise, dust, smoke, gas, traffic, or other factors.

Public or semipublic use.

Quarry, gravel pit, subsurface or surface mining, including crushing, screening, or washing of extracted materials.

Repair, rental, sales, servicing and storage of machinery, implements, equipment, trailers or mobile homes, and the manufacture thereof.

Resumption of a residential use including a mobile home where the subject use has previously been conducted and has not been discontinued for a period exceeding six (6) months. (Ord. 34, 10-7-1980 as amd. 6-1999)

10-4C-4: USE LIMITATIONS: In an M-1 zone, the following limitations and standards shall apply to all permitted uses:

A. Nuisance Conditions:

1. For any use permitted by this article on a lot adjacent to or across the street from a residential use or lot in a duly platted subdivision or residential zone, there shall not be any odor, dust, fumes, glare,

flashing lights, noise, or other similar types of possible nuisances which are perceptible (without instruments) within two hundred feet (200') of the affected residential use or lot, except as approved by the city.

2. No use shall be permitted which has been declared a nuisance by statute or action of the city or by a court of competent jurisdiction. No such use shall be approved by the city prior to review by applicable permit reviewing authority nor shall such use be permitted adjacent to or across the street from a residential use or lot.

- B. **Parking:** All parking demand created by any use permitted by this article shall be accommodated on the subject premises, entirely off street.
- C. **Ingress And Egress To Property; Traffic:** No use permitted by this article shall require the backing of traffic onto a public or private street or road right of way to accommodate ingress or egress to any use or the premises thereof.
- D. **Screening From Residential Uses:** All uses permitted by this article shall be screened from abutting residential uses by densely planted trees and shrubs or sight obscuring fencing, except as approved by the city. (Ord. 34, 10-7-1980 as amd. 6-1999)

10-4C-5: DIMENSIONAL STANDARDS AND SETBACKS: In an M-1 zone, the following dimensional standards shall apply:

- A. **Lot Size:** The minimum lot size shall be determined in accordance with the provisions of this section relative to setback requirements, off street parking and loading, and as deemed necessary by the city to maintain air, water and land resource quality and to protect adjoining and area land uses.
- B. **Setbacks:**
 - 1. The minimum building setback between a structure and a street, road or railroad right of way line shall be fifty feet (50') unless otherwise required or approved by the city.
 - 2. The minimum setback between a structure and a property line abutting a residential lot or use in a duly platted subdivision or residential zone shall be fifty feet (50'), except as approved otherwise by the city.

3. The minimum setback between a structure and an existing use permitted by this section shall be three feet (3') from the property line and at least six feet (6') from a structure on the adjoining property, or shall be constructed adjacent to such structure and all required fire safety construction standards met.

- C. **Building Height:** The maximum building height for any structure permitted in conjunction with a use permitted by this section shall be twenty five feet (25') on any lot adjacent to or across the street from a residential use or lot in a duly platted subdivision or residential zone and forty five feet (45') on any other lot, except as approved by the city.
- D. **Lot Frontage:** The minimum lot frontage shall not be less than fifty feet (50'). (Ord. 34, 10-7-1980 as amd. 6-1999)

10-4C-6: **OFF STREET PARKING AND LOADING:** In an M-1 zone, off street parking and loading shall be provided in accordance with the provisions of this article and chapter 6 of this title. (Ord. 34, 10-7-1980 as amd. 6-1999)

CHAPTER 4

USE ZONES, REGULATIONS

ARTICLE D. P-R PARK RESERVE ZONE

SECTION:

- 10-4D-1: Scope
 10-4D-2: Uses Permitted Outright
 10-4D-3: Conditional Uses
 10-4D-4: Dimensional Standards And Setbacks
 10-4D-5: Limitations On Conditional Uses

10-4D-1: **SCOPE:** In a P-R zone, the regulations in this article shall apply. (Ord. 34, 10-7-1980 as amd. 6-1999)

10-4D-2: **USES PERMITTED OUTRIGHT:** In a P-R zone, the following uses are permitted outright:

Farm use, as defined in Oregon Revised Statutes 215.213, but not those uses listed in Oregon Revised Statutes 215.213.

Public reserve area of natural, historical or geological significance.

Public wildlife reserve or management area. (Ord. 34, 10-7-1980 as amd. 6-1999)

10-4D-3: **CONDITIONAL USES:** In a P-R zone, the following uses and their accessory uses are permitted when authorized in accordance with chapter 9 of this title:

Commercial, private group camping facility.

Commercial, private picnic or campgrounds.

Commercial recreation use, including marina, riding stable, resort type establishment, gun club, recreation camp, and dude ranch.

Planned unit development.

Public group camping facility.

Public marina, recreation camp or resort.

Public or private golf courses.

Public or private rock hound sites.

Public or private school.

Public picnic grounds, campground, or nature trail.

Sewage disposal and treatment facility.

Single-family dwelling on an individual lot including a mobile home subject to subsection 10-5-7A of this title or vacation cabin.

Utility facility.

Water supply and treatment facility. (Ord. 34, 10-7-1980 as amd. 6-1999)

10-4D-4: **DIMENSIONAL STANDARDS AND SETBACKS:** In a P-R zone, the following dimensional standards shall apply:

- A. **Lot Size:** The minimum lot size shall be determined by the city to be necessary for the protection of public health and natural resources.
- B. **Setbacks:** In a P-R zone, the following setback requirements shall apply:
 - 1. There shall be a setback of a minimum of sixty feet (60') from an arterial or collector street or road right of way; and a twenty foot (20') setback from a street within a duly platted and recorded subdivision.
 - 2. The setback from a perennial stream or lake highwater mark shall be a minimum of two hundred feet (200') and from an intermittent stream channel, one hundred feet (100').

3. Each side setback shall be a minimum of fifteen feet (15'), except on a corner lot, it shall be thirty feet (30') on the street side.

4. The rear setback shall be thirty feet (30'). (Ord. 34, 10-7-1980 as amd. 6-1999)

10-4D-5: **LIMITATIONS ON CONDITIONAL USES:** In addition to the standards and conditions that may be attached to the approval of a conditional use as provided by chapter 9 of this title, the following limitations shall apply to a conditional use in a P-R zone:

- A. **Fire Breaks:** The city may require establishment and maintenance of fire breaks, the use of fire resistant materials in construction and landscaping, or may attach other similar conditions or limitations that will serve to reduce fire hazards or prevent the spread of fire to surrounding areas.
- B. **Minimize Erosion:** The city may limit changes in the natural grade of land, or the alteration, removal or destruction of natural vegetation in order to prevent or minimize erosion, pollution or degradation of the natural attractiveness of the area.
- C. **Grounds For Use Denial:** An application for a conditional use in a P-R zone shall be denied if, in the opinion of the city, the proposed use would exceed the carrying capacity of the area or would be detrimental to the natural features or resources of the area. (Ord. 34, 10-7-1980 as amd. 6-1999)

CHAPTER 4

USE ZONES, REGULATIONS

ARTICLE E. FP FLOODPLAIN COMBINING ZONE

SECTION:

- 10-4E- 1: Scope
- 10-4E- 2: Application Of Provisions
- 10-4E- 3: Uses Permitted Outright
- 10-4E- 4: Conditional Uses
- 10-4E- 5: Permit For Use Or Development
- 10-4E- 6: Classification Of Property
- 10-4E- 7: Structural Elevation Data Required
- 10-4E- 8: Land Development Standards
- 10-4E- 9: Additional Mobile Home Land Development Standards
- 10-4E-10: Facility Standards
- 10-4E-11: Land Grading Standards
- 10-4E-12: Regulations Not A Guarantee
- 10-4E-13: Variances

10-4E-1: **SCOPE:** In any zone which is a combined FP zone, the requirements and standards of this article shall apply in addition to those specified in articles of this chapter for such zone; provided, that if a conflict in regulations or standards occurs, the provisions of this article shall govern. (Ord. 34, 10-7-1980 as amd. 6-1999)

10-4E-2: **APPLICATION OF PROVISIONS:** The provisions of this article shall apply to all of those flood hazard areas set forth in the comprehensive land use plan. The areas of special flood hazard identified by the federal administration flood hazard boundary map are hereby adopted by reference and declared to be a part of this title; and, therefore, the provisions of this article shall apply to all flood hazard areas identified by said maps. (Ord. 34, 10-7-1980 as amd. 6-1999)

10-4E-3: USES PERMITTED OUTRIGHT: In any zone with which the FP zone is combined, the following uses are the only uses permitted outright, and these uses are permitted only if such uses are permitted in the zone regulations for the primary zone:

Agricultural use conducted without locating a structure in the zone except for a boundary fence that is designed to impede as little as possible the movement of floodwaters and flood carried material.

Industrial or commercial use that does not require a structure other than surfacing at ground level such as for a loading area, parking area, or that requires only temporary structures that will not be in the zone during the period of annual flood risk.

Portions of a recreation vehicle park or camping area that are occupied only temporarily and that do not contain buildings.

Portions of a residential use that do not contain buildings such as a lawn, garden, parking or play area.

Recreational use that requires no structures or only structures that would have an insignificant effect on floodwaters, such as: structures associated with a golf course without related buildings, tennis court, driving range, archery range, picnic grounds, boat launching ramp, swimming area, wildlife or nature preserve, game farm, fish hatchery, shooting preserve, target range, trap or skeet range, hunting or fishing area, or hiking or riding trail. (Ord. 34, 10-7-1980 as amd. 6-1999)

10-4E-4: CONDITIONAL USES:

A. **Floodway:** In any zone with which the FP zone is combined, the following uses and their accessory uses are permitted within a floodway subject to the provisions of this article, chapter 9 of this title, and the zone with which the FP zone is combined:

1. Marina, boat rental or boat sales, provided, if a building or other structure is required in the floodway, it shall be designed and constructed to withstand the waters of a base flood without obstruction of flow or significant damage to the structures or the property of others.

2. A roadway, bridge or utility structure that will not impede the waters of a base flood.

3. Incidental storage of material or equipment that either is not subject to damage by flood, or is mobile and readily removable from the area within the limited time available after flood warning. If not readily removable, the material or equipment shall be anchored to prevent flotation and shall not obstruct water flow. Material or equipment stored shall be only items which will not create a hazard to the health or safety of persons, property, animals or plant life should the storage area be inundated.

- B. Floodway Fringe: A use permitted in the zone with which the FP zone is combined and that is not permitted by section 10-4E-3 of this article is permitted within the floodway fringe subject to the provisions of chapter 9 of this title and this article. (Ord. 34, 10-7-1980 as amd. 6-1999)

10-4E-5: **PERMIT FOR USE OR DEVELOPMENT:** No person shall construct, reconstruct, or install a development, install a mobile home, or divide land in an FP zone unless a permit has been received for the work, except for those uses permitted by section 10-4E-3 of this article. Except for improvement of an existing structure which is less than substantial as determined by the city, no permit shall be issued unless the work will be reasonably safe from flooding and otherwise comply with this article and this title, and other applicable regulations. (Ord. 34, 10-7-1980 as amd. 6-1999)

10-4E-6: **CLASSIFICATION OF PROPERTY:** Upon receipt of an application for a use or development permitted in the zone with which the FP zone is combined and that is not permitted by section 10-4E-3 of this article, the property shall be classified into portions in the floodway, portions in the floodway fringe, and portions outside the floodplain. Such classification shall be completed by the city. The applicant shall provide information needed to make the classification and determine the severity of the potential flood conditions, including, but not limited to, the following:

- A. The locations of the property with reference to channel stations and flood profile elevations.
- B. The existing topography and proposed grading plan for the property. Contour intervals shall not be more than one foot (1') for ground slopes up to five percent (5%) and for areas immediately adjacent to a stream, two feet (2') for ground slopes between five (5) and ten percent (10%), and five feet (5') for greater slopes.

- C. The location of existing and proposed diking or revetments, if any.
- D. In the case of a multi-family residential use or subdivision, profiles of the ground surface perpendicular to and extending in both directions from the stream to an elevation above the probable base flood elevation near the upstream and downstream boundaries within the development, at least one for each one thousand feet (1,000') of stream centerline, and to a point at least two thousand feet (2,000') below the downstream boundary of the development.
- E. In the case of a multi-family residential use or subdivision, engineering data related to the base flood showing the magnitude in cubic feet per second, flood profiles, and the floodway and floodplain boundaries with the development. (Ord. 34, 10-7-1980 as amd. 6-1999)

10-4E-7: STRUCTURAL ELEVATION DATA REQUIRED:

- A. Application For Building Permit; Information: An application for a building permit for a new or substantially improved structure or for a mobile home installation permit within an FP combined zone shall contain the following data referenced to mean sea level:
 - 1. The level of the lowest habitable floor and of any basement, whether or not intended to be habitable.
 - 2. The level to which the structure is to be floodproofed, if applicable.
- B. Floor Level: The lowest habitable floor, and any basement floor, whether or not the basement is intended to be habitable, of a new or substantially improved residential structure and the floor of a newly installed mobile home shall be elevated at least one foot (1') above the base flood level. However, subject to the requirements of section 10-4E-9 of this article, the floor level of a mobile home installed on a site existing on the effective date hereof may be at a lower level if compliance is not practical as determined by the city.
- C. Design Of Structure: Unless the lowest floor elevation, including a basement floor, is one foot (1') above the base flood elevation, a newly constructed or substantially improved nonresidential structure shall be designed so that the structure is substantially impermeable to the passage of water and otherwise floodproofed, at least to the level two feet (2') above the base flood level. The structural

components shall have the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

- D. **Certification Of Floodproofing Method:** When floodproofing is utilized for a structure, a registered engineer or licensed architect shall certify that the floodproofing method is adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the base flood and otherwise conforms to the floodproofing standards of the state structural specialty code in effect at the time of construction.
- E. **Anchoring Mobile Home:** Unless the site on which a mobile home is to be installed is above the base flood level, a mobile home or an addition to a mobile home shall be anchored to resist flotation, collapse, and lateral movement as follows:
1. Over the top ties shall be provided at each of the four (4) corners of the mobile home, with two (2) additional ties per side at intermediate locations, except that a mobile home that is less than fifty feet (50') long need have only one additional tie per side.
 2. Frame ties shall be provided at each corner of the home with five (5) additional ties per side at the intermediate points, except that a mobile home less than fifty feet (50') long need have only four (4) additional ties per side.
 3. All components of the anchoring system, including ties, shall be capable of carrying a force of four thousand eight hundred (4,800) pounds. (Ord. 34, 10-7-1980 as amd. 6-1999)

10-4E-8: LAND DEVELOPMENT STANDARDS:

- A. **Land Development Design:** In addition to compliance with sections 10-4E-9 and 10-4E-10 of this article, a subdivision or other new land development within a flood hazard area shall be designed and constructed to minimize flood damage, including special provisions for adequate drainage to reduce exposure to flood hazards.
- B. **Alteration Of Watercourse:** A land development which will alter or relocate a watercourse shall be designed, constructed and maintained to retain the flood carrying capacity of the watercourse.
- C. **Large Development:** A subdivision proposal or other proposed new land development greater than either fifty (50) lots or five (5) acres

shall include data showing the base flood elevation. (Ord. 34, 10-7-1980 as amd. 6-1999)

10-4E-9: ADDITIONAL MOBILE HOME LAND DEVELOPMENT STANDARDS:

- A. Mobile Home Site: Except in the location described in subsection B of this section, a site for a mobile home that is in a flood hazard area shall comply with the following:
1. The mobile home stand on the site shall be elevated on compacted fill or on pilings so that the floor of the mobile home will be one foot (1') above the base flood elevation level.
 2. Adequate surface drainage shall be provided.
 3. Access for a hauler shall be provided.
 4. If the mobile home stand is elevated on pilings, the stand shall be large enough to permit steps. Piling foundations shall be placed in stable soil no more than ten feet (10') apart and lateral reinforcement shall be provided for pilings extending more than six feet (6') above ground level.
- B. Existing Park Or Subdivision: Provisions of subsection A of this section are not applicable to a mobile home site in an existing mobile home park or in an existing subdivision which by deed restriction limits the use of lots to the installation of mobile homes; provided, that continuously since prior to the effective date hereof, the site has had the following improvements:
1. It abuts a roadway suitable for all weather travel.
 2. It has been leveled to permit a mobile home installation.
 3. Connections to a water supply and sewage disposal system exist on the site.
- C. Repairs Or Reconstruction Of Mobile Home Site: A site for a mobile home also shall comply with subsection A of this section if it is in an existing mobile home park which has, after the effective date hereof, undergone repairs, reconstruction, or improvement of streets, utilities and pads that cost at least fifty percent (50%) of the value of the

streets, utilities and pads before construction. (Ord. 34, 10-7-1980 as amd. 6-1999)

- D. **Mobile Home Placement Restricted:** The placement of a mobile home in the regulatory floodway is prohibited. However, a site existing within a mobile home park may be used; provided, that, prior to the effective date hereof, the site has had the improvements described in subsection B of this section, or prior to the date the regulatory floodway hazard area was designated, the site has had such improvements and has been otherwise approved as complying with the standards of subsection A of this section. A mobile home installed on such a site shall be a singlewide with wheels and tongue in place. (Ord. 34, 10-7-1980 as amd. 6-1999; amd. 2007 Code)

10-4E-10: FACILITY STANDARDS:

- A. **Public Utility:** A public utility or facility associated with a subdivision or other new land development within a flood hazard area shall be designed, located and constructed to minimize or eliminate flood damage and to avoid raising the water elevation in a regulatory floodway.
- B. **Water Supply System:** A new replacement water supply system shall be designed, located and constructed to minimize or eliminate infiltration of floodwaters into the system.
- C. **Sanitary Sewage System:** A new or replacement sanitary sewage system shall be designed, located and constructed to minimize or eliminate infiltration of floodwaters into the system and discharge from the system into the floodwaters.
- D. **Disposal Tank System:** An on site disposal tank system or other individual waste disposal system shall be located to avoid impairment or contamination during flooding. (Ord. 34, 10-7-1980 as amd. 6-1999)

10-4E-11: LAND GRADING STANDARDS:

- A. **Plans Required:** When required by the city, the application for a grading or excavation permit shall be accompanied by two (2) sets of plans or specifications and other supporting data considered necessary to act on the application.

- B. **Basis For Denial Of Application:** After review of a grading or excavation permit application, the application shall be denied if it is determined that the proposed excavation, filling or other grading will raise the water elevation in the subject floodway. (Ord. 34, 10-7-1980 as amd. 6-1999)

10-4E-12: **REGULATIONS NOT A GUARANTEE:** The degree of flood protection afforded by the provisions of this article is considered reasonable for regulatory purposes and is based upon engineering and scientific methods of study. Larger floods than those anticipated by these provisions may occur on occasion or the flood height may be increased by human or natural causes, such as log jams or bridge openings restricted by debris. The identification of areas subject to flooding pursuant to the provisions of this article does not imply that lands outside such areas will be free from flooding or flood damage. This article shall not create liability on the part of the city or any officer or employee thereof for any flood damages that result from reliance on the provisions or designations of this article or any administrative decisions lawfully made thereunder. (Ord. 34, 10-7-1980 as amd. 6-1999)

10-4E-13: **VARIANCES:**

- A. **Technical Variance:** A technical variance for hardship relief from the requirements of this article may be granted by the city for new construction and for improvements to existing structures which could not otherwise be authorized, provided the construction or improvements are to be erected or installed on a parcel of land of one-half ($1/2$) acre or less in size, contiguous to and more or less surrounded by lots with existing structures constructed below the minimum floor elevation established for flood protection purposes. A parcel of land in excess of the one-half ($1/2$) acre that is in one ownership on the effective date hereof is not excluded from the granting of a technical variance, but the justification required for issuing the variance increases as the size of the property under one ownership increases and shall be granted only if required to equalize circumstances, considering previously developed land adjacent to the parcel for which a variance could be sought.
- B. **Historic Variance:** A variance for historic preservation may be granted for the reconstruction, rehabilitation or restoration of a structure listed on the National Register of Historic Places or the State Inventory of Historic Places.

C. **Hardship Variance:** A hardship variance as described in subsection A of this section or as necessary to protect an owner's constitutional right to use property shall be granted upon finding all of the following:

1. There is a good and sufficient cause due to no fault of the applicant.
2. Failure to grant the variance would result in exceptional hardship to the applicant.
3. The variance is the minimum necessary, considering the flood hazard, to afford relief.

D. **Evaluation Of Variance Applications:** In reviewing an application for a variance, the city shall consider technical evaluations, standards in other sections of this article, other relevant factors and each of the following:

1. The danger that materials may be swept onto other lands to the injury of others.
2. The danger to life and property due to flooding or erosion damage.
3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
4. The importance of the services provided by the proposed facility to the community.
5. The necessity to the facility of a waterfront location, where applicable.
6. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use.
7. The relationship of the proposed use to the area floodplain management program.
8. The safety of access to the property in times of flood for ordinary and emergency vehicles,

9. The expected height, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site.

10. The costs of providing governmental and utility service during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets and bridges.

E. Granting Of Variances:

1. If the findings warrant, the city may grant a variance, provided the variance shall not result in increased flood heights, additional threats to public safety or extraordinary public expenses.

2. An applicant to whom a variance is granted shall be given written notice that the structure is permitted. The notice shall designate the elevation of the lowest floor compared to the base flood elevation and shall advise the applicant that the cost of flood insurance will be commensurate with the increased risk resulting from any reduced floor elevation authorized by the variance. (Ord. 34, 10-7-1980 as amd. 6-1999)

CHAPTER 4

USE ZONES, REGULATIONS

ARTICLE F. AIRPORT OVERLAY ZONE

SECTION:

10-4F-1:	Purpose
10-4F-2:	Special Definitions
10-4F-3:	Permitted Uses
10-4F-4:	Conditional Uses Within Airport Approach Safety Zone
10-4F-5:	Procedures
10-4F-6:	Limitations

10-4F-1: **PURPOSE:** In order to carry out the provisions of this article, there are hereby created and established certain zones which include all of the land lying beneath the airport imaginary surfaces as they apply to the airport in the county. This overlay zone is intended to prevent the establishment of airspace obstructions in airport approaches and surrounding areas through height restrictions and other land use controls as deemed essential to protect the health, safety, and welfare of the people of the county. (Ord. 34, 10-7-1980 as amd. 6-1999)

10-4F-2: **SPECIAL DEFINITIONS:** For the purpose of this article, the following terms shall have the meanings ascribed to them in this section:

AIRPORT APPROACH SAFETY ZONE: The land that underlies the approach surface, excluding the runway protection zone (RPZ).

AIRPORT HAZARD: Any structure, tree, or use of land which exceeds height limits established by the airport imaginary surfaces.

AIRPORT IMAGINARY SURFACES: Those imaginary areas in space which are defined as the approach surface, transitional

surface, horizontal surface, and conical surface and in which any object extending above these imaginary surfaces is an obstruction.

APPROACH SURFACE: A surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. The inner edge of the approach surface is the same width as the primary surface and extends to a width of: one thousand two hundred fifty feet (1,250') for utility runway having only visual approaches; one thousand five hundred feet (1,500') for a runway other than a utility runway having only visual approaches; two thousand feet (2,000') for a utility runway having a nonprecision instrument approach; three thousand five hundred feet (3,500') for a nonprecision instrument runway other than utility, having visibility minimums greater than three-fourths ($\frac{3}{4}$) of a statute mile; four thousand feet (4,000') for a nonprecision instrument runway having visibility minimums as low as three-fourths ($\frac{3}{4}$) statute mile; and sixteen thousand feet (16,000') for precision instrument runways. The approach surface extends for a horizontal distance of five thousand feet (5,000') at a slope of twenty feet (20') outward to each foot upward (20:1) for all utility and visual runways; ten thousand feet (10,000') at a slope of thirty four feet (34') outward for each foot upward (34:1) for all nonprecision instrument runways other than utility; and for all precision instrument runways, extends for a horizontal distance of ten thousand feet (10,000') at a slope of fifty feet (50') outward for each foot upward (50:1); thence slopes upward forty feet (40') outward for each foot upward (40:1), an additional distance of forty thousand feet (40,000').

CONICAL SURFACE: Extends twenty feet (20') outward for each one foot (1') upward (20:1) for four thousand feet (4,000') beginning at the edge of the horizontal surface (5,000 feet from the center of each end of the primary surface of each visual and utility

runway or 10,000 feet for all nonprecision instrument runways other than utility at 150 feet above the airport elevation) and upward extending to a height of three hundred fifty feet (350') above the airport elevation.

HORIZONTAL SURFACE:

A horizontal plane one hundred fifty feet (150') above the established airport elevation, the perimeter of which is constructed by swinging runways five thousand feet (5,000') from the center of each end of the primary surface of each visual or utility runway and ten thousand feet (10,000') from the center of each end of the primary surface of all other runways and connecting the adjacent arcs by lines tangent to those arcs.

NOISE SENSITIVE AREA:

Within one thousand five hundred feet (1,500') of an airport or within established noise contour boundaries exceeding fifty five (55) Ldn.

PLACE OF PUBLIC ASSEMBLY:

Structure or place which the public may enter for such purpose as deliberation, education, worship, shopping, entertainment, amusement, awaiting transportation, or similar activity.

PRIMARY SURFACE:

A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends two hundred feet (200') beyond each end of that runway. When the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface is two hundred fifty feet (250') for utility runways having only visual approaches, five hundred feet (500') for utility runways having nonprecision instrument approaches, five hundred feet (500') for other than utility runways having only visual approaches or nonprecision instrument approaches with visibility minimums greater than three-fourths ($\frac{3}{4}$) of a mile and one thousand feet (1,000') for nonprecision instrument runways with visibility minimums of

three-fourths ($\frac{3}{4}$) of a mile or less and for precision instrument runways.

**RUNWAY
PROTECTION ZONE
(RPZ):**

An area off the runway end (formerly the clear zone) used to enhance the protection of people and property on the ground. The RPZ is trapezoidal in shape and centered about the extended runway centerline. It begins two hundred feet (200') (60 m) beyond the end of the arcs usable for takeoff or landing. The RPZ dimensions are functions of the type of aircraft and operations to be conducted on the runway.

**TRANSITIONAL
SURFACE:**

Extend seven feet (7') outward for each one foot (1') upward (7:1) beginning on each side of the primary surface which point is the same elevation as the runway surface, and form the sides of the approach surfaces thence extending upward to a height of one hundred fifty feet (150') above the airport elevation (horizontal surface).

UTILITY RUNWAY:

A runway that is constructed for and intended to be used by propeller driven aircraft of twelve thousand five hundred (12,500) pounds' maximum gross weight or less.

VISUAL RUNWAY:

A runway that is intended solely for the operation of aircraft using visual approach procedures when no instrument approach procedures have been approved, or planned, or indicated on an FAA or state planning document or military service airport planning document. (Ord. 34, 10-7-1980 as amd. 6-1999)

10-4F-3: PERMITTED USES:

- A. Runway Approach Zone: While it is desirable to clear all objects from the RPZ, some uses are permitted, as follows, provided they do not attract wildlife, are below the approach surface and do not interfere with navigational aids:

Agricultural operations (other than forestry or livestock farms).

Automobile parking facilities.

Golf courses (but not clubhouses).

B. Airport Approach Safety Zone:

Farm use, excluding the raising and feeding of animals which would be adversely affected by aircraft passing overhead.

Landscape nursery, cemetery, or recreation areas which do not include buildings or structures.

Pipeline.

Roadways, parking areas, and storage yards located in such a manner that vehicle lights will not make it difficult for pilots to distinguish between landing lights and vehicle lights or result in glare, or in any way impair visibility in the vicinity of the landing approach. Approach surfaces must clear these by a minimum of fifteen feet (15').

Underground utility wire. (Ord. 34, 10-7-1980 as amd. 6-1999)

10-4F-4: CONDITIONAL USES WITHIN AIRPORT APPROACH SAFETY ZONE:

- A. A structure or building accessory to a permitted use.
- B. Single-family dwellings, mobile homes, duplexes, and multi-family dwellings, when allowed by the underlying zone, provided the landowner signs and records in the deed and mortgage records of the county a hold harmless agreement and aviation and hazard easement and submits them to the airport sponsor and the county planning departments.
- C. Commercial and industrial uses, when allowed by the underlying zone, provided the use does not result in:
 1. Creating electrical interference with navigational signals or radio communication between the airport and aircraft.
 2. Making it difficult for pilots to distinguish between airport lights and lighting from nearby land uses.

3. Impairing visibility.
 4. Creating bird strike or other wildlife hazards.
 5. Endangering or interfering with the landing, taking off or maneuvering of aircraft intending to use the airport.
 6. Attracting a large number of people.
- D. Buildings and uses of public works, public service, or of a public utility nature. (Ord. 34, 10-7-1980 as amd. 6-1999)

10-4F-5: PROCEDURES:

- A. Application For Conditional Use; Information: An applicant seeking a conditional use shall include the following information:
1. Property boundary lines as they relate to the airport imaginary surfaces.
 2. Location and height of all existing and proposed buildings, structures, utility lines, and roads.
- B. Notice Of Use Permits Or Zone Changes: In accordance with Oregon administrative rules chapter 738, division 100, city or county planning authority shall notify the owner of the airport and aeronautics section on land use permits or zone changes within five thousand feet (5,000') of a visual and ten thousand feet (10,000') of instrument airport so as to provide Oregon aeronautics section an opportunity to review and comment. (Ord. 34, 10-7-1980 as amd. 6-1999)

10-4F-6: LIMITATIONS:

- A. Structures In Airport Imaginary Surfaces: To meet the standards established in FAA regulations, part 77 and Oregon administrative rules chapter 738, division 70, no structure shall penetrate into the "airport imaginary surfaces" as defined in this article.
- B. Public Assembly: No place of public assembly shall be permitted in the airport approach safety zone or RPZ.
- C. Structures: No structure or building shall be allowed within the RPZ.

- D. **Height:** Whenever there is a conflict in height limitations prescribed by this overlay zone and the primary zoning district, the lowest height limitation fixed shall govern; provided, however, that the height limitations herein imposed shall not apply to such structures customarily employed for aeronautical purposes.
- E. **Glare:** No glare producing materials shall be used on the exterior of any structure located within the airport approach safety zone.
- F. **Noise:** In noise sensitive areas (within 1,500 feet of an airport or within established noise contour boundaries of 55 Ldn and above for identified airports) where noise levels are a concern, a declaration of anticipated noise levels shall be attached to any building permit, land division appeal, deed, and mortgage records. In areas where the noise level is anticipated to be fifty five (55) Ldn and above, prior to issuance of a building permit for construction of noise sensitive land use (real property normally used for sleeping or normally used as schools, churches, hospitals, or public libraries) the permit applicant shall be required to demonstrate that a noise abatement strategy will be incorporated into the building design which will achieve an indoor noise level equal to or less than fifty five (55) Ldn. The planning and building department will review building permits or noise sensitive developments.
- G. **Hazardous Bird Movements:** No development that attracts or sustains hazardous bird movements from feeding, watering, or roosting, across the runways and/or approach and departure patterns of aircraft. The planning authority shall notify Oregon aeronautics of such development (e.g., waste disposal sites and wetland enhancements) within the airport overlay zone so as to provide Oregon aeronautics section an opportunity to review and comment on the site in accordance with FAA AC 150/5200-33. (Ord. 34, 10-7-1980 as amd. 6-1999)

CHAPTER 5

SUPPLEMENTARY PROVISIONS

SECTION:

- 10-5- 1: Access, Minimum Lot Frontage
- 10-5- 2: Clear Vision Areas
- 10-5- 3: Projections From Buildings
- 10-5- 4: Authorization Of Similar Uses
- 10-5- 5: Accessory Uses, General Provisions
- 10-5- 6: Sign Limitations And Regulations
- 10-5- 7: Mobile Homes On Individual Lots
- 10-5- 8: Stream Setback Requirements
- 10-5- 9: Fire Protection Provisions
- 10-5-10: Fence Height Limitations

10-5-1: **ACCESS, MINIMUM LOT FRONTAGE:** Every lot shall abut a street, other than an alley, for at least twenty five feet (25'). (Ord. 34, 10-7-1980 as amd. 6-1999)

10-5-2: **CLEAR VISION AREAS¹:**

- A. Establishment: In all zones, a clear vision area shall be maintained on the corners of all property at the intersection of two (2) streets or a street and a railroad. A clear vision area shall contain no planting, fence, wall, structure, or temporary or permanent obstruction exceeding two and one-half feet (2¹/₂') in height, measured from the top of the curb or where no curb exists, from the established street centerline grade, except that trees exceeding this height may be located in this area, provided all branches and foliage are removed to a height of eight feet (8') above the grade. These regulations are not intended to prohibit a non-sight obscuring fence as approved by the city.

1. See also definition of "vision clearance area" in section 10-1-4 of this title.

B. **Measurement:** A clear vision area shall consist of a triangular area two (2) sides of which are lot lines measured from the corner intersection of the street lot lines for distance specified in this regulation, or, where the lot lines have rounded corners, the lot lines extended in a straight line to a point of intersection and so measured, and the third side of which is a line across the corner of the lot joining the nonintersecting ends of the other two (2) sides. The following measurements shall establish clear vision areas within the city (see appendix in section 10-12-1 of this title for vision clearance diagram):

1. In an industrial zone, the minimum distance shall be thirty feet (30'), or at intersections including an alley, ten feet (10').

2. In all other zones, the minimum distance shall be twenty feet (20'). (Ord. 34, 10-7-1980 as amd. 6-1999)

10-5-3: **PROJECTIONS FROM BUILDINGS:** Architectural features such as cornices, eaves, canopies, gutters, chimneys, and flues shall not project more than three feet (3') into a required yard; provided, that the projection is not closer than three feet (3') to a property line. (Ord. 34, 10-7-1980 as amd. 6-1999)

10-5-4: **AUTHORIZATION OF SIMILAR USES:** A use that is similar to a use provided for in a zone may be allowed in that zone with city approval unless:

A. It is specifically provided for in another zone; or

B. It is more similar to uses provided for in another zone. (Ord. 34, 10-7-1980 as amd. 6-1999)

10-5-5: **ACCESSORY USES, GENERAL PROVISIONS:** An accessory use shall comply with all requirements for a principal use, except as this title specifically allows to the contrary, and shall comply with the following limitations: (Ord. 34, 10-7-1980 as amd. 6-1999)

A. A side yard or rear yard may be reduced to three feet (3') for an accessory structure erected more than sixty five feet (65') from a front lot line, provided the structure is detached from other buildings

by five feet (5') or more and does not exceed the height of one story nor an area of eight hundred (800) square feet. (Ord. 90, 3-10-2015)

- B. Boats and trailers, travel trailers, pickup campers or coaches, motorized dwellings, and similar recreational equipment may be stored on a lot but not used as an accessory use in any zone. (Ord. 34, 10-7-1980 as amd. 6-1999)

10-5-6: **SIGN LIMITATIONS AND REGULATIONS:** The following minimum limitations and regulations shall apply to any sign hereafter erected, moved or structurally altered within the jurisdiction of the county. In addition, signs shall be installed in accordance with applicable regulations of state and federal agencies. No sign will hereafter be erected, moved or structurally altered without being in conformity with the provisions of this title. Official traffic control signs and instruments of the state, county or a municipality are exempt from all provisions of this title.

- A. **Compliance With State Law:** All outdoor advertising signs shall be in compliance with the provisions of this title and the provisions of Oregon Revised Statutes chapter 377, when applicable.
- B. **Distance From Residential Dwelling:** No outdoor advertising sign permitted by Oregon Revised Statutes chapter 377 shall be erected within three hundred feet (300') of a residential dwelling without consent of the owner and/or occupant of said dwelling.
- C. **Interference With Visibility, Traffic:** No sign shall be placed as to interfere with visibility or effectiveness of any official traffic sign or signal, or with driver vision at any access point or intersection.
- D. **Glare:** No sign shall cause glare, distraction or other driving hazards within a street or road right of way.
- E. **Lights Shining On Residential Dwelling:** No sign shall shine directly upon a residential dwelling or otherwise create a nuisance. (Ord. 34, 10-7-1980 as amd. 6-1999)

10-5-7: **MOBILE HOMES ON INDIVIDUAL LOTS:**

- A. **Minimum Standards, Single-Family Dwelling:** A mobile home permitted as a single-family dwelling on an individual lot shall be in compliance with the following standards and regulations as a mini-

mum. In such cases when the standards set forth in a specific zone are more restrictive, the more restrictive standards shall govern.

1. The mobile home shall be a fourteen foot (14') wide or doublewide unit and shall contain at least six hundred (600) square feet of space as determined by measurement of the exterior dimensions of the unit exclusive of any trailer hitch device, except as otherwise approved by the city.

2. The mobile home unit shall be manufactured after June 15, 1976, and bear the Oregon department of commerce "insignia of compliance". All preowned and preoccupied units (i.e., used) shall be inspected by a certified building official prior to installation and occupancy to ensure compliance with applicable standards required for the "insignia of compliance" and to ensure that such units are in such a condition as to not be detrimental to the public health, safety and general welfare or to adjoining properties.

3. The mobile home shall be installed according to manufacturer's instructions approved by the state department of commerce, and all road and transient lights, wheels and the hitch shall be removed.

4. The mobile home shall have a continuous perimeter of skirting that shall be composed of the same material and finish as the exterior of the mobile home, or of brick, concrete or masonry block. Such skirting shall be secure against the entrance of animals, but there shall be provisions for ventilation and access to the space under the unit.

5. All mobile home accessory buildings and structures shall comply with state and local construction and installation standards. Mobile home accessory structures include porches and steps, awnings, cabanas, carports, or any other structure or addition that depends in part on the mobile home for its structural support, or in any manner is immediately adjacent to or attached to the mobile home. Such structures or additions shall not total more than thirty percent (30%) of the total living space of the mobile home and such structures or additions combined. Roofing and siding materials shall be of similar material and color and complementary to the existing mobile home unit. Ramadas shall not be permitted.

6. The owner of the property shall remove the foundation and all accessory structures and additions to the mobile home and permanently disconnect sewer, water and other utilities if the mobile home is removed from its foundation, unless otherwise authorized by

the city. In the event the owner fails to accomplish said work within thirty (30) days from the date on which the mobile home is moved from its foundation, the city may perform such work and place a lien against the property for the cost of such work. This condition shall not apply in the event that the mobile home is replaced on the original foundation, or on the original foundation as modified, or by another approved mobile home within thirty (30) days of the original unit's removal. Said lien may be initiated by the city council.

B. Temporary Residence: A mobile home may be authorized as a temporary residence on an individual lot and shall comply with the following provisions:

1. The mobile home shall be occupied by the owner of the lot on which the mobile home is located, except as approved by the city.

2. The mobile home shall be placed upon a lot for which a building permit for a housing unit has been obtained or as otherwise approved by the city.

3. The mobile home shall be occupied only during a period in which satisfactory progress is being made toward the completion of the housing unit on the same site.

4. Electric, water and sewer utility connections shall be made to the mobile home.

5. The owner of the lot agrees to remove the mobile home from the lot not later than eighteen (18) months from the date on which the building permit for the housing unit is issued or not later than two (2) months following the completion of the housing unit, whichever occurs first.

6. The owner of the lot agrees to remove all evidence that the mobile home has been on the lot within thirty (30) days after the removal of the mobile home.

7. The city may also approve such mobile homes as temporary housing for construction or other seasonal employment for a period of six (6) months or the time period of said employment, whichever is less.

8. The city may review permits issued under this subsection at any time and may revoke the permits when they are found to be not in compliance.

C. Temporary Residence For Care Of Relative:

1. Purpose And Intent:

a. It is the intent of the temporary use permit provisions to provide a set of procedures and standards for temporary use of structures which, because of personal hardship needs, require special consideration for temporary usage after demonstration of temporary need and a finding of no adverse impact to the welfare of adjacent properties and the community as a whole.

b. The provisions of this subsection are to apply when the proposed use does not qualify as a continuation of a nonconforming use, not permitted by right, nor permitted through the operation of other more pertinent procedures and provisions of these zoning provisions. Provided however, temporary use permits are not construed, permitted nor utilized as a means to abrogate the intent, purpose or procedures of the city's comprehensive plan or zoning ordinance regulations.

c. No temporary permit shall be granted which would have the effect of creating a permanent rezoning or result in a hardship when the use is not permitted to continue at the expiration of the permit periods. Further, no temporary permit may be granted which has the effect of conferring a special privilege for which other property within the same zone may not be equally eligible.

2. Accessory Mobile Home Dwelling: As a temporary use in every zone, the city may allow one accessory mobile home dwelling, and providing that no additions to the mobile home shall be permitted in conjunction with a primary dwelling with, the following findings:

a. That an accessory dwelling is necessary to care for or provide custody of an elderly, mentally handicapped, or infirm relative who a medical doctor certifies is in need of this kind of care or custody.

b. Residential utilities and facilities can be provided. Septic feasibility is required prior to approval.

3. Temporary Use Permit: A temporary use permit granted under this subsection is void when the elderly, mentally handicapped, or infirm relative who is the subject of the permit moves to another residence, or is absent from the residence for more than one hundred twenty (120) days or leaves the residence with no likelihood of returning. Exception to the one hundred twenty (120) day limit can be provided

for because of extraordinary circumstances such as extended hospitalization.

4. Void Permit: Within thirty (30) days of the permit becoming void or revoked, the accessory mobile home dwelling shall be removed by the owner of the real property unless otherwise approved by the city.

5. City Review Of Permit; Action: The city may review permits issued under this subsection at any time and may revoke the permits when they are found to be not in compliance.

6. Location: Any accessory mobile home dwelling placed under a permit authorized by this subsection must be located as close as possible to the primary dwelling. Unless there are physical limitations of the land, this should be within one hundred feet (100') of the primary dwelling. (Ord. 34, 10-7-1980 as amd. 6-1999)

10-5-8: **STREAM SETBACK REQUIREMENTS:** All dwelling units and other structures shall be set back a minimum of one hundred feet (100') from identified stream channels to protect riparian habitat. (Ord. 34, 10-7-1980 as amd. 6-1999)

10-5-9: **FIRE PROTECTION PROVISIONS:** All land use and development proposals shall be evaluated for provisions to minimize wildfire hazards in accordance with the guidelines set forth by the publication entitled "Fire Safety Considerations For Developments In Forested Areas". (Ord. 34, 10-7-1980 as amd. 6-1999)

10-5-10: **FENCE HEIGHT LIMITATIONS:** Except as approved by the city, no fence shall be constructed to exceed a height of six feet (6') from ground level, and within the applicable required front yard setback, no fence shall be constructed or installed which exceeds two and one-half feet (2 $\frac{1}{2}$ ') in height. (Ord. 34, 10-7-1980 as amd. 6-1999)

CHAPTER 6
OFF STREET PARKING

SECTION:

- 10-6-1: Parking Space Requirements
 10-6-2: Off Street Parking And Loading
 10-6-3: Parking Lot Design And Improvement Standards

10-6-1: **PARKING SPACE REQUIREMENTS:** At the time of construction, reconstruction, or enlargement of a structure, or at the time a use is changed in any zone, off street parking spaces shall be provided as follows unless greater requirements are otherwise established. Where square feet of the structure or use are specified as the basis for the requirements, the area measured shall be the gross floor area primary to the functioning of the particular use of the property. When the requirements are based on the number of employees, the number counted shall be those working on the premises during the largest shift at peak season. Fractional space requirements shall be counted as a whole space.

<u>Use</u>	<u>Minimum Requirements</u>
A. Residential:	
1. One-, two- and three-family dwelling	1 space per dwelling unit
2. Residential use containing 4 or more dwelling units	1 ¹ / ₂ spaces per dwelling unit
3. Rooming or boarding house	Spaces equal to 80 percent of the number of guest accommodations, plus 1 additional space for the owner or manager
B. Commercial Residential:	
1. Hotel	1 space per 2 guest rooms, plus 1 space per 2 employees

<u>Use</u>	<u>Minimum Requirements</u>
2. Motel	1 space per guest room or suite, plus 1 additional space for the owner or manager
C. Places Of Public Assembly:	
1. Church	1 space per 6 seats or 8 feet of bench length in the main auditorium, or 1 space for each 75 feet of floor area of main auditorium not containing fixed seats
2. Preschool nursery, kindergarten	2 spaces per teacher
3. Elementary or junior high school	1 space per classroom, plus 1 space per administrative employee, or 1 space per 4 seats, or 8 feet of bench length in the auditorium or assembly room, whichever is greater
4. Other auditorium meeting room	1 space per 6 seats or 8 feet of bench length, or 1 space for each 75 square feet of floor area for assembly room not containing fixed seats
D. Commercial Amusements:	
1. Stadium, arena, theater	1 space per 6 seats or 8 feet of bench length
2. Bowling alley	5 spaces per alley, plus 1 space per 2 employees
3. Dance hall, skating rink	1 space per 100 square feet of floor area, plus 1 space per 2 employees
E. Commercial:	
1. Retail store, except as provided in subsection F2 of this section	1 space per 300 square feet of floor area designated for retail sales
2. Service or repair shop, retail store handling exclusively bulky merchandise such as automobiles and furniture	1 space per 600 square feet of floor area

<u>Use</u>	<u>Minimum Requirements</u>
3. Bank, office (except medical and dental)	1 space per 600 square feet of floor area, plus 1 space per 2 employees
4. Medical and dental clinic	1 space per 300 square feet of floor area, plus 1 space per 2 employees
5. Eating or drinking establishment	1 space per 250 square feet of floor area
6. Mortuaries	1 space per 6 seats or 8 feet of bench length in chapels
F. Industrial:	
1. Storage warehouse, manufacturing establishment, rail or trucking freight terminal	1 space per employee.
2. Wholesale establishment	1 space per employee, plus 1 space per 700 square feet of patron serving area

(Ord. 34, 10-7-1980 as amd. 6-1999)

10-6-2: **OFF STREET PARKING AND LOADING:** Buildings or structures to be built or substantially altered which receive and distribute materials and merchandise by trucks shall provide and maintain off street loading berths in sufficient number and size to handle adequately the needs of the particular use. Off street parking areas used to fulfill the requirements of this title shall not be used for loading and unloading operations except during periods of the day when not required to care for parking needs. General provisions are as follows:

A. **Compliance With Space Requirements:** The provisions and maintenance of off street parking and loading space is a continuing obligation of the property owner. Should the owner or occupant of any lot or building change the use to which the lot or building is put, thereby increasing off street parking and loading requirements, it shall be a violation of this title to begin or maintain such altered use until such time as the increased off street parking or loading requirements are complied with.

- B. **Several Uses:** In the event several uses occupy a single structure or parcel of land, the total requirements for off street parking shall be the sum of the requirements of the several uses computed separately.
- C. **Joint Use:** Owners of two (2) or more uses, or parcels of land, may agree to utilize jointly the same parking and loading spaces when the hours of operation do not overlap; provided, that satisfactory legal evidence is presented to the county in the form of deeds, leases, or contracts to establish the joint use.
- D. **Location Of Parking Spaces:** Off street parking spaces for dwellings shall be located on the same parcel with the dwelling. Other required parking spaces for residential uses shall be located not farther than five hundred feet (500') from the building or use they are required to serve, measured in a straight line from the building. (Ord. 34, 10-7-1980 as amd. 6-1999)

10-6-3: PARKING LOT DESIGN AND IMPROVEMENT STANDARDS:

- A. **Surface Of Lot:** Areas used for parking for more than two (2) vehicles shall have durable and dustless surfaces adequately maintained except as approved otherwise by the city.
- B. **Bumper Rail Or Curb:** Parking spaces along the outer boundaries of a parking lot shall be contained by a bumper rail or by a curb which is at least four inches (4") high and which is set back a minimum of one and one-half feet (1¹/₂') from the property line.
- C. **Groups Of Spaces, Maneuverability:** Except for single-family and duplex dwellings, groups of more than two (2) parking spaces shall be so located and served by a driveway that their uses will require no backing movements or other maneuvering within a street right of way other than an alley.
- D. **Driveways, Vision Clearance:** Driveways shall have a minimum vision clearance area formed by the intersection of the driveway centerline, the street right of way line, and a straight line joining said lines through points twenty feet (20') from their intersection.
- E. **Standards:** The standards set forth in the table below shall be the minimum for parking lots approved under this title (all figures are in feet except as noted):

A	B	C	D	E	F1	F2
Parking Angle	Stall Width	Stall To Curb (19' Long Stall)	Aisle Width	Curb Length Per Car	Center To Center Width Of 2 Row Bin With Access Road Between	
					Curb To Curb	Overlap C-C
0°	8'6"	8.5	12.0	23.0	29.0	--
20°	8'6"	14.5	11.0	24.9	40.0	32.0
30°	8'6"	16.9	11.0	17.0	44.8	37.4
40°	8'6"	18.7	12.0	13.2	49.4	42.9
45°	8'6"	19.4	13.5	12.0	52.3	46.3
50°	8'6"	20.0	12.5	11.1	52.5	47.0
60°	8'6"	20.7	18.5	9.8	59.9	55.6
70°	8'6"	20.8	19.5	9.0	61.1	58.2
80°	8'6"	20.2	24.0*	8.6	64.4	62.9
90°	8'6"	19.0	25.0*	8.5	63.0	--

* Two-way circulation

(Ord. 34, 10-7-1980 as amd. 6-1999)

CHAPTER 7
TRANSPORTATION

SECTION:

- 10-7-1: Standards For Transportation Improvements
- 10-7-2: Bicycle Parking
- 10-7-3: Design Review

10-7-1: STANDARDS FOR TRANSPORTATION IMPROVEMENTS:

- A. Uses Permitted Outright: Except where otherwise specifically regulated by this title, the following improvements are permitted outright:
1. Normal operation, maintenance, repair, and preservation activities of existing transportation facilities.
 2. Installation of culverts, pathways, medians, fencing, guardrails, lighting, and similar types of improvements within the existing right of way.
 3. Projects specifically identified in the transportation system plan as not requiring further land use regulation.
 4. Landscaping as part of a transportation facility.
 5. Emergency measures necessary for the safety and protection of property.
 6. Acquisition of right of way for public roads, highways, and other transportation improvements designated in the transportation system plan except for those that are located in exclusive farm use or forest zones.
 7. Construction of a street or road as part of an approved subdivision or land partition approved consistent with the applicable land division ordinance.

B. Conditional Uses Permitted¹:

1. Construction, reconstruction, or widening of highways, roads, bridges or other transportation projects that are: a) not improvements designated in the transportation system plan; or b) not designed and constructed as part of a subdivision or planned development subject to site plan and/or conditional use review, shall comply with the transportation system plan and applicable standards, and shall address the following criteria. For state projects that require an environmental impact statement (EIS) or EA (environmental assessment), the draft EIS or EA shall be reviewed and used as the basis for findings to comply with the following criteria:

a. The project is designed to be compatible with existing land use and social patterns, including noise generation, safety, and zoning.

b. The project is designed to minimize avoidable environmental impacts to identified wetlands, wildlife habitat, air and water quality, cultural resources, and scenic qualities.

c. The project preserves or improves the safety and function of the facility through access management, traffic calming, or other design features.

d. Project includes provision for bicycle and pedestrian circulation as consistent with the comprehensive plan and other requirements of this title.

2. If review under this section indicates that the use or activity is inconsistent with the transportation system plan, the procedure for a plan amendment shall be undertaken prior to or in conjunction with the conditional permit review.

C. Time Limitation On Transportation Related Conditional Use Permits: Authorization of a conditional use shall be void after a period specified by the applicant as reasonable and necessary based on season, right of way acquisition, and other pertinent factors. This period shall not exceed three (3) years. (Ord. 34, 10-7-1980 as amd. 6-1999)

1. See also chapter 9 of this title.

10-7-2: BICYCLE PARKING:

- A. Spaces Required: A minimum of two (2) bicycle parking spaces per use (1 sheltered and 1 unsheltered) shall be required.
- B. Special Minimum Standards: The following special minimum standards shall be considered as supplemental requirements for the number of required bicycle parking spaces.
1. Multi-Family Residences: Every residential use of four (4) or more dwelling units shall provide at least one sheltered bicycle parking space for each unit. Sheltered bicycle parking spaces may be located within a garage, storage shed, basement, utility room or similar area. In those instances in which the residential complex has no garage or other easily accessible storage unit, the required bicycle parking spaces shall be sheltered under an eaves, overhang, an independent structure, or similar cover.
 2. Parking Lots: All public and commercial parking lots and parking structures shall provide a minimum of one bicycle parking space for every ten (10) motor vehicle parking spaces.
 3. Schools: Elementary and middle schools, both private and public, shall provide one bicycle parking space for every ten (10) students and/or employees. High schools shall provide one bicycle parking space for every five (5) students and/or employees. All spaces shall be sheltered under an eaves, overhang, independent structure, or similar cover.
 4. Colleges: Colleges, universities, and trade schools shall provide one bicycle parking space for every ten (10) motor vehicle spaces plus one space for every dormitory unit. Fifty percent (50%) of the bicycle parking spaces shall be sheltered under an eaves, overhang, independent structure, or similar cover.
 5. Downtown Areas: In downtown areas with on street parking, bicycle parking for customers shall be provided along the street at a rate of at least one space per use. Spaces may be clustered to serve up to six (6) bicycles; at least one cluster per block shall be provided. Bicycle parking spaces shall be located in front of the stores along the street, either on the sidewalks in specially constructed areas such as pedestrian curb extensions. Inverted "U" style racks are recommended. Bicycle parking shall not interfere with pedestrian passage, leaving a clear area of at least five feet (5'). Customer spaces are not required to be sheltered. Sheltered parking

(within a building, or under an eaves, overhang, or similar structure) shall be provided at a rate of one space per ten (10) employees, with a minimum of one space per store.

6. Rural Schools, Service Centers And Industrial Parks: Where a school, service center, or industrial park is located five (5) or more miles from the closest urban area or rural residential subdivision with a density of more than one dwelling unit per twenty (20) acres, a minimum of two (2) bicycle parking spaces per use shall be required.

C. Formulas For Calculating Spaces: The following formulas for calculating the number of required bicycle parking spaces are recommended:

1. Fractional numbers of spaces shall be rounded up to the next whole space.

2. For facilities with multiple uses (such as a commercial center), the bicycle parking requirements shall be calculated by using the total number of motor vehicle parking spaces required for the entire development. (Ord. 34, 10-7-1980 as amd. 6-1999)

10-7-3: **DESIGN REVIEW:** Required information and conditions for development proposals. This section is primarily attributed to multi-family housing, subdivision/PUD, commercial and industrial development proposals and not intended for single-family dwelling units.

A. Traffic Impact Study: The proposed use shall impose an undue burden on the public transportation system. For developments that are likely to generate more than four hundred (400) average daily motor vehicle trips (ADTs), the applicant shall provide adequate information, such as a traffic impact study or traffic counts, to demonstrate the level of impact to the surrounding street system. The developer shall be required to mitigate impacts attributable to the project.

B. Coordination With Transportation Facility Provider: The determination of impact or effect and the scope of the impact study should be coordinated with the provider of the affected transportation facility.

C. Transportation System Conflicts: In the event there are determined to be adverse effects on the existing transportation system, the following shall apply to the design criteria:

1. Dedication of land for streets, transit facilities, sidewalks, bikeways, paths, or accessways shall be required where the existing transportation system will be impacted by or is inadequate to handle the additional burden caused by the proposed use.

2. Improvements such as paving, curbing, installation or contribution to traffic signals, construction of sidewalks, bikeways, accessways, paths, or streets that serve the proposed use where the existing transportation system may be burdened by the proposed use.

D. **Bicycle Parking:** The development shall include the number and type of bicycle parking facilities required in the off street parking and loading section of this title¹. The location and design of bicycle parking facilities shall be indicated on the site plan.

E. **Pedestrian Access And Circulation:** Internal pedestrian circulation shall be provided in new commercial, office, and multi-family residential developments through the clustering of buildings, construction of hard surface walkways, landscaping, accessways, or similar techniques.

F. **Commercial Development Standards:**

1. New commercial buildings, particularly retail shopping and offices, shall be oriented to the street, near or at the setback line. A main entrance shall be oriented to the street. For lots with more than two (2) front yards, the building(s) shall be oriented to the two (2) busiest streets.

2. Off street motor vehicle parking for new commercial developments shall be located at the side or behind the building(s).

G. **Internal Pedestrian And Bicycle Facilities:** All site plans (industrial and commercial) shall clearly show how the site's internal pedestrian and bicycle facilities connect with external existing or planned facilities or systems. (Ord. 34, 10-7-1980 as amd. 6-1999)

1. See chapter 6 of this title.

CHAPTER 7

TRANSPORTATION

ARTICLE A. TRANSPORTATION SYSTEM PROVISIONS

SECTION:

- 10-7A- 1: Scope
- 10-7A- 2: Intent
- 10-7A- 3: Corner Clearance
- 10-7A- 4: Joint And Cross Access
- 10-7A- 5: Access Connection And Driveway Design
- 10-7A- 6: Requirements For Phased Development Plans
- 10-7A- 7: Nonconforming Access Features
- 10-7A- 8: Reverse Frontage
- 10-7A- 9: Flag Lot Standards
- 10-7A-10: Lot Width To Depth Ratios
- 10-7A-11: Shared Access
- 10-7A-12: Connectivity
- 10-7A-13: Variances To Access Management Standards

10-7A-1: **SCOPE:** The transportation requirements in this article are established primarily for, but not limited to, developments subject to design review plan approval. These same provisions shall be considered prior to transportation system construction, reconstruction, widening of highways, roads or bridges and any other transportation related projects. This article is to implement the access management policies of the city as set forth in the transportation system plan. These provisions shall be followed unless approved otherwise by the city or planning official or commission: (Ord. 34, 10-7-1980 as amd. 6-1999)

10-7A-2: **INTENT:** The intent of this article is to manage access to land development to preserve the transportation system in terms of safety, capacity, and function. This article shall apply to all arterials and collectors within the city and to all properties that abut these roadways. (Ord. 34, 10-7-1980 as amd. 6-1999)

10-7A-3: CORNER CLEARANCE:

- A. Corner clearance for connections shall meet or exceed the minimum connection spacing requirements for that roadway.
- B. New connections shall not be permitted within the functional area of an intersection or interchange as defined by the connection spacing standards of this title, unless no other reasonable access to the property is available.
- C. Where no other alternatives exist, the city may allow construction of an access connection along the property line farthest from the intersection. In such cases, directional connections (i.e., right in/out, right in only, or right out only) may be required. (Ord. 34, 10-7-1980 as amd. 6-1999)

10-7A-4: JOINT AND CROSS ACCESS:

- A. Major Traffic Generators: Adjacent commercial or office properties classified as major traffic generators (i.e., shopping plazas, office parks), shall provide a cross access drive and pedestrian access to allow circulation between sites.
- B. Components Of System: A system of joint use driveways and cross access easements shall be established wherever feasible and shall incorporate the following:
 - 1. A continuous service drive or cross access corridor extending the entire length of each block served to provide for driveway separation consistent with the access management classification system and standards.
 - 2. A design speed of ten (10) miles per hour and a maximum width of twenty feet (20') to accommodate two-way travel aisles designated to accommodate automobiles, service vehicles, and loading vehicles.
 - 3. Stub-outs and other design features to make it visually obvious that the abutting properties may be tied in to provide cross access via a service drive.
 - 4. A unified access and circulation system plan for coordinated or shared parking areas is encouraged.

- C. **Shared Parking Areas:** Shared parking areas shall be permitted a reduction in required parking spaces if peak demands do not occur at the same time periods.
- D. **Recording Easements And Requirements:** Pursuant to this article, property owners shall:
1. Record an easement with the deed allowing cross access to and from other properties served by the joint use driveways and cross access or service drive.
 2. Record an agreement with the deed that remaining access rights along the roadway will be dedicated to the city and preexisting driveways will be closed and eliminated after construction of the joint use driveway.
 3. Record a joint maintenance agreement with the deed defining maintenance responsibilities of property owners.
- E. **Reduction Of Separation Distance:** The city may reduce required separation distance of access points where they prove impractical, provided all of the following requirements are met:
1. Joint access driveways and cross access easements are provided in accordance with this section.
 2. The site plan incorporates a unified access and circulation system in accordance with this article.
 3. The property owner enters into a written agreement with the city, recorded with the deed, that preexisting connections on the site will be closed and eliminated after construction of each side of the joint use driveway.
- F. **Modification Or Waiver Of Requirements:** The city may modify or waive the requirements of this article where the characteristics or layout of abutting properties would make a development of a unified or shared access and circulation system impractical. (Ord. 34, 10-7-1980 as amd. 6-1999)

10-7A-5: ACCESS CONNECTION AND DRIVEWAY DESIGN:

- A. **Standards:** Driveways shall meet the following standards:

1. If the driveway is a one-way in or one-way out drive, then the driveway shall be a minimum width of ten feet (10') and a maximum width of twelve feet (12') and shall have appropriate signage designating the driveway as a one-way connection.
 2. For two-way access, each lane shall have a minimum width of ten feet (10') and a maximum width of twelve feet (12').
- B. **Driveway Approaches:** Driveway approaches must be designed and located to provide an exiting vehicle with an unobstructed view. Construction of driveways along acceleration or deceleration lanes and tapers shall be avoided due to the potential for vehicular weaving conflicts.
- C. **Length Of Driveways:** The length of driveways shall be designed in accordance with the anticipated storage length for entering and exiting vehicles to prevent vehicles from backing into the flow of traffic on the public street or causing unsafe conflicts with on site circulation. (Ord. 34, 10-7-1980 as amd. 6-1999)

10-7A-6: REQUIREMENTS FOR PHASED DEVELOPMENT PLANS:

- A. **Access To Multiple Building Sites:** In the interest of promoting unified access and circulation systems, development sites under the same ownership or consolidated for the purposes of development and composed of more than one building site shall be reviewed as single properties in relation to the access standards of this title. The number of access points permitted shall be the minimum number necessary to provide reasonable access to these properties, not the maximum available for that frontage. All necessary easements, agreements, and stipulations shall be met. This shall also apply to phased development plans. The owner and all lessees within the affected area are responsible for compliance with the requirements of this title and both shall be cited for any violation.
- B. **Internalized Access:** All access must be internalized using the shared circulation system of the principal development or retail center. Driveways shall be designed to avoid queuing across surrounding parking and driving aisles. (Ord. 34, 10-7-1980 as amd. 6-1999)

10-7A-7: NONCONFORMING ACCESS FEATURES: Legal access connections in place as of the effective date hereof that do not conform with the standards herein are considered nonconforming features and shall be brought into compliance with applicable standards under the following conditions:

- A. When new access connection permits are requested.
- B. Change in use or enlargements or improvements that will increase trip generation. (Ord. 34, 10-7-1980 as amd. 6-1999)

10-7A-8: REVERSE FRONTAGE:

- A. **Lots Fronting On More Than One Street:** Lots that front on more than one street shall be required to locate motor vehicle accesses on the street with the lower functional classification.
- B. **Residential Subdivision:** When a residential subdivision is proposed that would abut an arterial, it shall be designed to provide through lots along the arterial with access from a frontage road or interior local road. Access rights of these lots to the arterial shall be dedicated to the city and recorded with the deed. A berm or buffer yard may be required at the rear of through lots to buffer residences from traffic on the arterial. The berm or buffer yard shall not be located within the public right of way. (Ord. 34, 10-7-1980 as amd. 6-1999)

10-7A-9: FLAG LOT STANDARDS:

- A. **Disallowed:** Flag lots shall not be permitted when the result would be to increase the number of properties requiring direct and individual access connections to the state highway system or other arterials.
- B. **Conditions For Allowing; Lot Requirements:** Flag lots may be permitted for residential development when necessary to achieve planning objectives, such as reducing direct access to roadways, providing internal platted lots with access to a residential street, or preserving natural or historic resources, under the following conditions:
 - 1. Flag lot driveways shall be separated by at least twice the minimum frontage requirement of that zoning district.

2. The flag driveway shall have a minimum width of ten feet (10') and maximum width of twenty feet (20').
3. In no instance shall flag lots constitute more than ten percent (10%) of the total number of building sites in a recorded or unrecorded plat, or three (3) lots or more, whichever is greater.
4. The lot area occupied by the flag driveway shall not be counted as part of the required minimum lot area of that zoning district.
5. No more than one flag lot shall be permitted per private right of way or access easement. (Ord. 34, 10-7-1980 as amd. 6-1999)

10-7A-10: **LOT WIDTH TO DEPTH RATIOS:** To provide for proper site design and prevent the creation of irregularly shaped parcels, the depth of any lot or parcel shall not exceed three (3) times its width (or 4 times its width in rural areas) unless there is a topographical or environmental constraint or an existing manmade feature. (Ord. 34, 10-7-1980 as amd. 6-1999)

10-7A-11: **SHARED ACCESS:** Subdivisions with frontage on the state highway system shall be designed to share access points to and from the highway. Normally, a maximum of two (2) accesses shall be allowed regardless of the number of lots or businesses served. If access off a secondary street is possible, then access should not be allowed onto the state highway. If access off a secondary street becomes available, then conversion to that access is encouraged, along with closing the state highway access. (Ord. 34, 10-7-1980 as amd. 6-1999)

10-7A-12: **CONNECTIVITY:**

- A. **Connecting With Planned Streets Outside Subdivision:** The street system of proposed subdivisions shall be designed to connect with existing, proposed, and planned streets outside of the subdivision as provided in this article. (Ord. 34, 10-7-1980 as amd. 6-1999)
- B. **Street Stubs:** Wherever a proposed development abuts unplatted land or a future development phase of the same development, street stubs shall be provided to provide access to abutting properties or to logically extend the street system into the surrounding area. All street stubs shall be provided with a temporary turnaround unless

specifically exempted by the city council, and the restoration and extension of the street shall be the responsibility of any future developer of the abutting land. (Ord. 34, 10-7-1980 as amd. 6-1999; amd. 2007 Code)

- C. **Minor Collector And Local Residential Access Streets:** Minor collector and local residential access streets shall connect with surrounding streets to permit the convenient movement of traffic between residential neighborhoods or facilitate emergency access and evacuation. Connections shall be designed to avoid or minimize through traffic on local streets. Appropriate design and traffic control such as four-way stops and traffic calming measures are the preferred means of discouraging through traffic. (Ord. 34, 10-7-1980 as amd. 6-1999)

10-7A-13: VARIANCES TO ACCESS MANAGEMENT STANDARDS:

- A. **Attempt To Meet Access Standards Required:** The granting of a variance shall meet the purpose and intent of these regulations and shall not be considered until every feasible option for meeting access standards is explored.
- B. **Proof Of Unique Or Special Conditions:** Applicants for a variance from these standards must provide proof of unique or special conditions that make strict application of the provisions impractical. Applicants shall include proof that:
1. Indirect or restricted access cannot be obtained;
 2. No engineering or construction solutions can be applied to mitigate the condition; and
 3. No alternative access is available from a street with a lower functional classification than the primary roadway.
- C. **Hardship Self-Created:** No variance shall be granted where such hardship is self-created. (Ord. 34, 10-7-1980 as amd. 6-1999)

CHAPTER 8
EXCEPTIONS

SECTION:

- 10-8-1: Nonconforming Uses, Lots
- 10-8-2: Lot Exceptions
- 10-8-3: Yard Requirement Exceptions
- 10-8-4: Building Height Limitation Exceptions

10-8-1: **NONCONFORMING USES, LOTS:**

A. Uses:

1. Continuation: Subject to the provisions of this subsection, a nonconforming use or structure may be continued, but may not be altered or extended. The extension of a nonconforming use to a portion of a structure which was arranged or designed for the nonconforming use on the effective date hereof is not an enlargement or expansion of a nonconforming use. A nonconforming structure which conforms with respect to use may be altered or extended if the alteration or extension does not cause the structure to deviate further from the standards of this title.

2. Discontinuance For One Year: If a nonconforming use is discontinued for a period of one year, further use of the property shall conform to this title.

3. Replacement, Compliance Required: If a nonconforming use is replaced by another use, the new use shall conform to this title.

4. Destruction, Compliance Of Replacement: If a nonconforming structure or a structure containing a nonconforming use is destroyed by any cause to an extent exceeding eighty percent (80%) of its fair market value as indicated by the records of the county assessor and is not returned to use and in actual operating condition within one

year from the date of destruction, a future structure or use on the site shall conform to this title.

5. Building Permit Issuance: Nothing contained in this title shall require any change in the plans, construction, alteration, or designated use of a structure for which a building permit has been issued and construction has commenced prior to the effective date hereof, provided the structure, if nonconforming or intended for a nonconforming use, is completed and in use within two (2) years from the time the permit is issued.

B. Lots Of Record: Any lot which is smaller than the minimum area required in any zone may be occupied by an allowed use in that zone; provided, that:

1. The lot was a lot in a duly platted and recorded subdivision on or before the effective date hereof, or was a parcel created by an approved land partitioning prior to such date.

2. The use conforms to all other requirements of that zone.

3. If there is an area deficiency, residential use shall be limited to a single dwelling unit.

4. Approval for sewage disposal is obtained, as applicable. (Ord. 34, 10-7-1980 as amd. 6-1999)

10-8-2: LOT EXCEPTIONS:

A. General Exceptions To Lot Size Requirements:

1. If a lot or the aggregate of contiguous lots held in a single ownership, as recorded in the office of the city recorder-manager on the effective date hereof, has an area or dimension which does not meet the lot size requirements of the zone in which the property is located, the holdings may be occupied by a use permitted in the zone subject to the other requirements of the zone; provided, that, if there is an area deficiency, residential use shall be limited to a single-family dwelling or to the number of dwelling units consistent with the density requirements of the zone.

2. Any parcel of land or portion thereof which is to be dedicated to a public or semipublic entity for a road, canal, railroad, utility or other

public use shall be exempt from the minimum lot size requirements set forth by this title.

- B. Lot Exceptions, Special: In any zone, the stated minimum lot area for residential purposes may be abolished by ruling of the city; provided, that it is replaced by a maximum gross density of the same factor. For example, in a general residential zone, one specific five (5) acre parcel may rule on a request that, instead of five (5) houses on one acre lots, there may be a cluster of five (5) houses on a small plot of ground and the remainder of the five (5) acres shall be kept undeveloped and shall not be redivided for sale or building development. (Ord. 34, 10-7-1980 as amd. 6-1999)

10-8-3: **YARD REQUIREMENT EXCEPTIONS:** The following exceptions to yard requirements are authorized for a lot in any zone:

- A. Buildings On Abutting Lots: If there are buildings on both abutting lots which are within one hundred feet (100') of the intervening lot, and the buildings have front yards of less than the required depth for the zone, the depth of the front yard for the intervening lot need not exceed the average depth of the front yards of the abutting lots.
- B. Architectural Features; Terraces; Porches: Architectural features such as cornices, eaves, sunshades, gutters, chimneys, and flues may project into a required yard. Also steps, terraces, platforms, and porches having no roof covering, and fences not interfering with the vision clearance requirements may occupy a yard. Signs conforming to the requirements of this title and all other applicable ordinances shall be permitted in required yards.
- C. Canopies: The yard between a canopy and any lot line shall be a minimum of ten feet (10'), except that a smaller setback may be permitted if specifically allowed in a given zone. (Ord. 34, 10-7-1980 as amd. 6-1999)

10-8-4: **BUILDING HEIGHT LIMITATION EXCEPTIONS:** The following types of structures or structural parts are not subject to the building height limitations of this title: chimneys, tanks, church spires, belfries, domes, monuments, fire and hose towers, observation towers, transmission towers, smokestacks, flagpoles, radio and television towers, masts, cooling towers, elevator shafts, and other similar projections. (Ord. 34, 10-7-1980 as amd. 6-1999)

CHAPTER 9
CONDITIONAL USES

SECTION:

- 10-9-1: Authorization To Grant Or Deny Conditional Uses
- 10-9-2: General Criteria
- 10-9-3: General Conditions
- 10-9-4: Permit And Improvements Assurance
- 10-9-5: Standards Governing Conditional Uses
- 10-9-6: Action On Conditional Use Application
- 10-9-7: Time Limit On Conditional Use Permit
- 10-9-8: Occupancy Permit

10-9-1: **AUTHORIZATION TO GRANT OR DENY CONDITIONAL USES:** A conditional use listed in this title shall be permitted, altered or denied in accordance with the standards and procedures of this title and this chapter by action of the city. In the case of a use existing prior to the effective date hereof, and classified in this title as a conditional use, a change in use or in lot area or an alteration of structure shall conform with the requirements for a conditional use. (Ord. 34, 10-7-1980 as amd. 6-1999)

10-9-2: **GENERAL CRITERIA:**

- A. In judging whether or not a conditional use proposal shall be approved or denied, the commission shall weigh the proposal's appropriateness and desirability, or the public convenience or necessity to be served against any adverse conditions that would result from authorizing the particular development at the location proposed and, to approve such use, shall find that the following criteria are either met, can be met by observance of conditions, or are not applicable.
- B. The proposal will be consistent with the comprehensive plan and the objectives of this title and other applicable policies and regulations of the city. (Ord. 34, 10-7-1980 as amd. 6-1999)

10-9-3: **GENERAL CONDITIONS:** In addition to the standards and conditions set forth in a specific zone, this chapter, and other applicable regulations, in permitting a new conditional use or the alteration of an existing conditional use, the city may impose conditions which it finds necessary to avoid a detrimental impact and to otherwise protect the best interests of the surrounding area or the city as a whole. (Ord. 34, 10-7-1980 as amd. 6-1999)

10-9-4: **PERMIT AND IMPROVEMENTS ASSURANCE:** The city may require an applicant to furnish the city with a performance bond or such other form of assurance that the city deems necessary to guarantee development in accordance with the standards established and the conditions attached in granting a conditional use permit. (Ord. 34, 10-7-1980 as amd. 6-1999)

10-9-5: **STANDARDS GOVERNING CONDITIONAL USES:** A conditional use shall comply with the standards of the zone in which it is located and with the standards and conditions set forth in this section, as follows:

- A. Automobile Wrecking Yard Or Junkyard: In considering a conditional use application for an automobile wrecking yard or junkyard, the city shall require that it be enclosed and screened from public view by a sight obscuring fence not less than six feet (6') in height. If applicable, the city shall be assured that the proposal is in compliance with applicable state regulations.
- B. Cemeteries: The city shall require evidence and shall find that the terrain and soil types of a proposed location are suitable for interment, and that the nature of the subsoil and drainage will not have a detrimental effect on ground water sources or domestic water supplies in the area of the proposed use.
- C. Dog Pounds And Kennels¹: The city may authorize a dog pound or kennel as a conditional use; provided, that building and site design provisions are adequate to minimize noise and odor. When necessary to protect surrounding properties, the city may require a sight obscuring fence or hedge, and may restrict vehicular access and loading facilities, especially those required by trucks transporting large animals.

1. See also section 10-1-4 of this title for definition of "kennel".

D. Home Occupations: When permitted as a conditional use and conducted as an accessory use, shall be subject to the following limitations:

1. The home occupation is to be secondary to the main use of the property as a residence and shall be conducted only by the resident of such dwelling within the same dwelling or in an accessory building on the same or adjacent property.

2. No structural alterations shall be allowed to accommodate the home occupation except when otherwise required by law, and then only after the plans for such alteration have been reviewed and approved by the city.

3. One nonilluminated sign not to exceed two hundred (200) square inches and bearing only the name and occupation of the resident shall be permitted.

4. No materials or mechanical equipment shall be used which will be detrimental to the residential use of the property or adjoining residences because of vibration, noise, dust, smoke, odor, interference with radio or television reception, or other factors.

5. No persons shall be employed except members of the immediate family, except as approved by the city and in no case shall the number of nonfamily employees exceed the number of family members directly involved in the business.

E. Mining, Quarrying Or Other Extraction Activity:

1. Plans and specifications submitted to the city for approval must contain sufficient information to allow the city to consider and set standards pertaining to the following:

a. The protection of pedestrians and vehicles through the use of fencing and screening.

b. The protection of fish and wildlife habitat and ecological systems through control of potential air and water pollutants.

c. The prevention of the collection and the stagnation of water at all stages of the operation.

d. The rehabilitation of the land upon termination of the operation, including a reclamation plan approved by the state department of geology and mineral industries.

2. Surface mining equipment and necessary access roads shall be constructed, maintained, and operated in such a manner as to eliminate, as far as is practicable, noise, vibration, or dust which may be injurious or annoying to persons or other uses in the vicinity.

3. The comments and recommendations of all appropriate natural resource agencies of the state and federal government shall be sought.

4. A rock crusher, washer or sorter shall not be located closer than five hundred feet (500') from a residential or commercial use.

F. **Commercial Or Accessory Uses Not Enclosed; Businesses Established In Residential Zone:** In any zone, permitting a commercial use or accessory use not wholly enclosed within a building or a retail or other business establishment on a lot abutting or across the street from a lot in a residential zone, such use may be permitted as a conditional use subject to the following standards:

1. A sight obscuring fence or evergreen hedge may be required by the city when, in its judgment, such a fence or hedge or combination thereof is necessary to preserve the values of nearby properties or to protect the aesthetic character of the neighborhood or vicinity.

2. In addition to the requirements of the applicable zone, the city may further regulate the placement and design of signs and lights in order to preserve the values of nearby properties; to protect them from glare, noise, or other distractions; or to protect the aesthetic character of the neighborhood or vicinity.

3. In order to avoid unnecessary traffic congestion and hazards, the planning commission may limit access to the property.

G. **Mobile Home Parks And Mobile Homes:**

1. **Parks:** A mobile home park shall be built to state standards in effect at the time of construction, the following provisions, and any additional conditions set forth in the commission's approval prior to occupancy:

a. Evidence shall be provided that the park will be eligible for a certificate of sanitation as required by state law.

b. The space provided for each mobile home shall be provided with piped potable water and electrical and sewerage connections and shall not be less than thirty feet (30') in width nor less than forty feet (40') in length.

2. Mobile Homes: A mobile home permitted in the park shall meet the following standards:

a. It shall have a state insignia indicating compliance with Oregon state home construction standards in effect at the time of manufacture and including compliance for reconstruction or equipment installation made after manufacture.

b. It shall contain not less than two hundred twenty five (225) square feet of space as determined by measurement of the exterior of the unit exclusive of any trailer hitch device.

c. It shall contain a water closet, lavatory, shower, or tub, and a sink in a kitchen or other food preparation space.

d. A mobile home permitted in the park shall be provided with continuous skirting.

3. Outdoor Storage Of Materials: There shall be no outdoor storage of furniture, tools, equipment, building materials or supplies belonging to the occupants or management of the park.

4. Recreational Play Area: A minimum of at least two thousand five hundred (2,500) square feet, plus one hundred (100) square feet per mobile home space, may be required to be provided for a recreational play area, group or community activities. (No play area is required if the individual mobile home spaces contain in excess of 4,000 square feet.)

5. Roadway And Parking Requirements: Roadways within the park shall be improved with an all weather dustless surface and shall not be less than thirty feet (30') in width if parking is permitted on the margin of the roadway, or less than twenty feet (20') in width if parking is not permitted on the edge of the roadway and an adequate designated area is provided and improved for guest parking and tenant recreational vehicles.

- H. **Multi-Family Dwelling Complex:** A multi-family dwelling complex shall comply with the following provisions, and any additional conditions set forth in the commission's approval, and shall be constructed pursuant thereto prior to occupancy:
1. There shall be no outdoor storage of furniture, tools, equipment, building materials or supplies belonging to the occupants or management of the complex.
 2. If such a complex or any unit thereof is more than five hundred feet (500') from a public fire hydrant where such a system is available, such shall be provided at appropriate locations on a vehicular way and shall conform in design and capacity to required standards.
 3. A minimum of at least two thousand five hundred (2,500) square feet, plus one hundred (100) square feet per dwelling unit, may be required to be provided for a recreational play area, group or community activities. Such area shall be improved with grass, plants, surfacing, equipment or buildings suitable for recreational use. (No play area is required if more than 70 percent of the area is preserved as open space and is sufficiently developed and landscaped, or the development is to be occupied solely by the elderly.)
 4. All such complexes shall provide both an ingress and egress.
 5. All roadways and parking areas shall be paved, and roadways shall not be less than twenty feet (20') in width, except as approved by the city.
- I. **Recreation Vehicle Park:** A recreation vehicle park shall be built to state standards in effect at the time of construction, with the following provisions and any additional conditions set forth in the city's approval prior to occupancy:
1. Roadways shall not be less than thirty feet (30') in width if parking is permitted on the margin of the roadway, or less than twenty feet (20') in width if parking is not permitted on the edge of the roadway and shall be improved to provide a dustless, all weather driving surface and easy access to each space.
 2. Trash receptacles for the disposal of solid waste materials shall be provided in convenient locations for the use of guests of the park and located in such number and may be of such capacity that there is no uncovered accumulation of trash at any time.

3. No recreation vehicle shall remain in the park for more than thirty (30) days in any sixty (60) day period, except as otherwise approved by the city.

4. The park shall be maintained in a neat appearance at all times. Except for vehicles, there shall be no outside storage of materials or equipment belonging to any guest of the park.

5. Evidence shall be provided that the park will be eligible for a certificate of sanitation as required by state law.

J. Radio, Television Tower, Utility Station Or Substation:

1. In a residential zone, all equipment storage on the site may be required to be within an enclosed building.

2. The use may be required to be fenced and provided with landscaping.

3. The minimum lot size for a public utility facility may be waived on finding that the waiver will not result in noise or other detrimental effects to adjacent property.

4. Transmission towers, hoses, overhead wires, pumping stations, and similar gear shall be so located, designed and installed as to minimize their conflict with scenic values.

K. Nursery Schools: Nursery schools shall provide and maintain at least one hundred (100) square feet of outdoor play area per child. A sight obscuring fence at least four feet (4'), but no more than six feet (6'), high shall separate the play area from abutting lots. (Ord. 34, 10-7-1980 as amd. 6-1999)

10-9-6: ACTION ON CONDITIONAL USE APPLICATION: The procedure for taking action on a conditional use application shall be as follows:

- A.** A property owner may initiate a request for a conditional use by filing an application with the city using forms prescribed by the city. Applications shall be filed with the city at least twenty one (21) days prior to the meeting at which consideration is desired.

- B. Before the planning commission may act on a conditional use application, it shall hold a public hearing thereon. (Ord. 34, 10-7-1980 as amd. 6-1999)

10-9-7: **TIME LIMIT ON CONDITIONAL USE PERMIT:**
Authorization of a conditional use shall be void after one year or such lesser time as the authorization may specify unless substantial construction has taken place or the proposed use has occurred. However, the city may extend authorization for an additional period not to exceed one year, on request. (Ord. 34, 10-7-1980 as amd. 6-1999)

10-9-8: **OCCUPANCY PERMIT:** The city may require an occupancy permit for any conditional use permitted and approved pursuant to the provisions of this title. The city shall consider such a requirement for any use authorized by a conditional use permit for which conditions have been established by the city upon approval of such use. The requirements of an occupancy permit shall be for the intent of ensuring permit compliance and said permit shall not be issued except as set forth by the city. (Ord. 34, 10-7-1980 as amd. 6-1999)

CHAPTER 10

VARIANCES

SECTION:

- 10-10-1: Authorization To Grant Or Deny Variances
10-10-2: Circumstances For Granting Variance
10-10-3: Action On Variance Application
10-10-4: Time Limit On Variance Permit

10-10-1: **AUTHORIZATION TO GRANT OR DENY VARIANCES:** The city may authorize variances from the requirements of this title where it can be shown that, owing to special and unusual circumstances related to a specific lot, strict application of this title would cause an undue or unnecessary hardship. No variance shall be granted to allow the use of property for a purpose not authorized within the zone in which the proposed use would be located. In granting a variance, the city may attach conditions which it finds necessary to protect the best interest of the surrounding property or vicinity and otherwise achieve the purposes of this title. (Ord. 34, 10-7-1980 as amd. 6-1999)

10-10-2: **CIRCUMSTANCES FOR GRANTING VARIANCE:** A variance may be granted unqualifiedly or may be granted subject to prescribed conditions; provided, that the city shall make all of the following findings:

A. Area Variance:

1. That the literal application of this title would create practical difficulties resulting in greater private expense than public benefit.
2. That the condition creating the difficulty is not general throughout the surrounding area but is unique to the applicant's site.

3. That the condition was not created by the applicant. A self-created difficulty will be found if the applicant knew or should have known of the restriction at the time the site was purchased.

4. That the variance conforms to the comprehensive plan and the intent of this title.

B. Use Variance:

1. That the literal application of this title would result in unnecessary hardship to the applicant. An unnecessary hardship will be found when the site cannot be put to any beneficial use under the terms of this title.

2. Each of the findings listed in subsections A2, A3 and A4 of this section. (Ord. 34, 10-7-1980 as amd. 6-1999)

10-10-3: ACTION ON VARIANCE APPLICATION: The procedure for taking action on an application for a variance shall be as follows:

A. A property owner may initiate a request for a variance by filing an application with the city using forms prescribed by the city. Application shall be filed twenty one (21) days prior to the meeting at which consideration is desired.

B. Before the city may act on a variance application, it shall hold a public hearing thereon. (Ord. 34, 10-7-1980 as amd. 6-1999)

10-10-4: TIME LIMIT ON VARIANCE PERMIT: Authorization of a variance shall be void after one year unless substantial construction has taken place or the proposed use has occurred. However, the city may extend authorization for an additional period not to exceed one year, on request. (Ord. 34, 10-7-1980 as amd. 6-1999)

CHAPTER 11
AMENDMENTS

SECTION:

- 10-11-1: Authorization To Initiate Amendments
- 10-11-2: Public Hearings On Amendments
- 10-11-3: Record Of Amendments
- 10-11-4: Limitations On Reapplications
- 10-11-5: Amendment Or Change Affecting Transportation Facilities

10-11-1: **AUTHORIZATION TO INITIATE AMENDMENTS:** An amendment to the text of this title or to a zoning map may be initiated by the city council, the city planning commission, or by application of a property owner. The request by a property owner for an amendment shall be accomplished by filing an application with the city using forms prescribed by the city, at least twenty one (21) days prior to the meeting at which consideration is desired. The applicant must show that the proposed change conforms to the comprehensive plan. (Ord. 34, 10-7-1980 as amd. 6-1999)

10-11-2: **PUBLIC HEARINGS ON AMENDMENTS:** The city planning commission (as applicable) shall conduct a public hearing on the proposed amendment within thirty (30) days after the amendment is proposed and shall, within ten (10) days after the hearing, recommend to the city council approval, disapproval or modified approval of the proposed amendment. After receiving the recommendation of the planning commission, the city council shall hold a public hearing on the proposed amendment. (Ord. 34, 10-7-1980 as amd. 6-1999)

10-11-3: **RECORD OF AMENDMENTS:** The city recorder-manager shall maintain records of amendments to the text of this title or to the zoning map. (Ord. 34, 10-7-1980 as amd. 6-1999; amd. 2007 Code)

10-11-4: **LIMITATIONS ON REAPPLICATIONS:** No application of a property owner for an amendment to the text of this title or to the zoning map shall be considered by the city within the six (6) month period immediately following a previously denied application. If in the opinion of the city, new evidence or a change of circumstances warrant it; however, the city may permit a new application. (Ord. 34, 10-7-1980 as amd. 6-1999)

10-11-5: **AMENDMENT OR CHANGE AFFECTING TRANSPORTATION FACILITIES:** An application for an amendment to the text of this title or for a zone change by a property owner or his authorized agent shall be filed with the city on forms prescribed by the city and shall be accompanied by the required filing fee as established by the city council. This application shall be filed not less than forty five (45) days prior to the date of the council hearing. The applicant shall provide reasons for the requested change, and shall present facts showing that the amendment will substantially be in compliance with the goals, objectives and policies of the city comprehensive plan and transportation systems plan.

- A. The applicant must show that the proposed change conforms with the comprehensive plan.
- B. A plan or land use regulation amendment significantly affects a transportation facility if it:
 - 1. Changes the functional classification of an existing or planned transportation facility;
 - 2. Changes standards implementing a functional classification system;
 - 3. Allows types or levels of land use that would result in levels of travel or access that are inconsistent with the functional classification of a transportation facility; or
 - 4. Would reduce the level of service of the facility below the minimum acceptable level identified in the transportation system plan.
- C. Amendments to the comprehensive plan and land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the function, capacity, and

level of service of the facility identified in the transportation system plan. This shall be accomplished by one of the following:

1. Limiting allowed land uses, to be consistent with the planned function of the transportation facility;
2. Amending the transportation system plan, to ensure that existing, improved, or new transportation facilities are adequate to support the proposed land uses consistent with the requirement of the transportation planning rule; or
3. Altering land use designations, densities, or design requirements, to reduce demand for automobile travel and meet travel needs through other modes. (Ord. 34, 10-7-1980 as amd. 6-1999)

CHAPTER 12

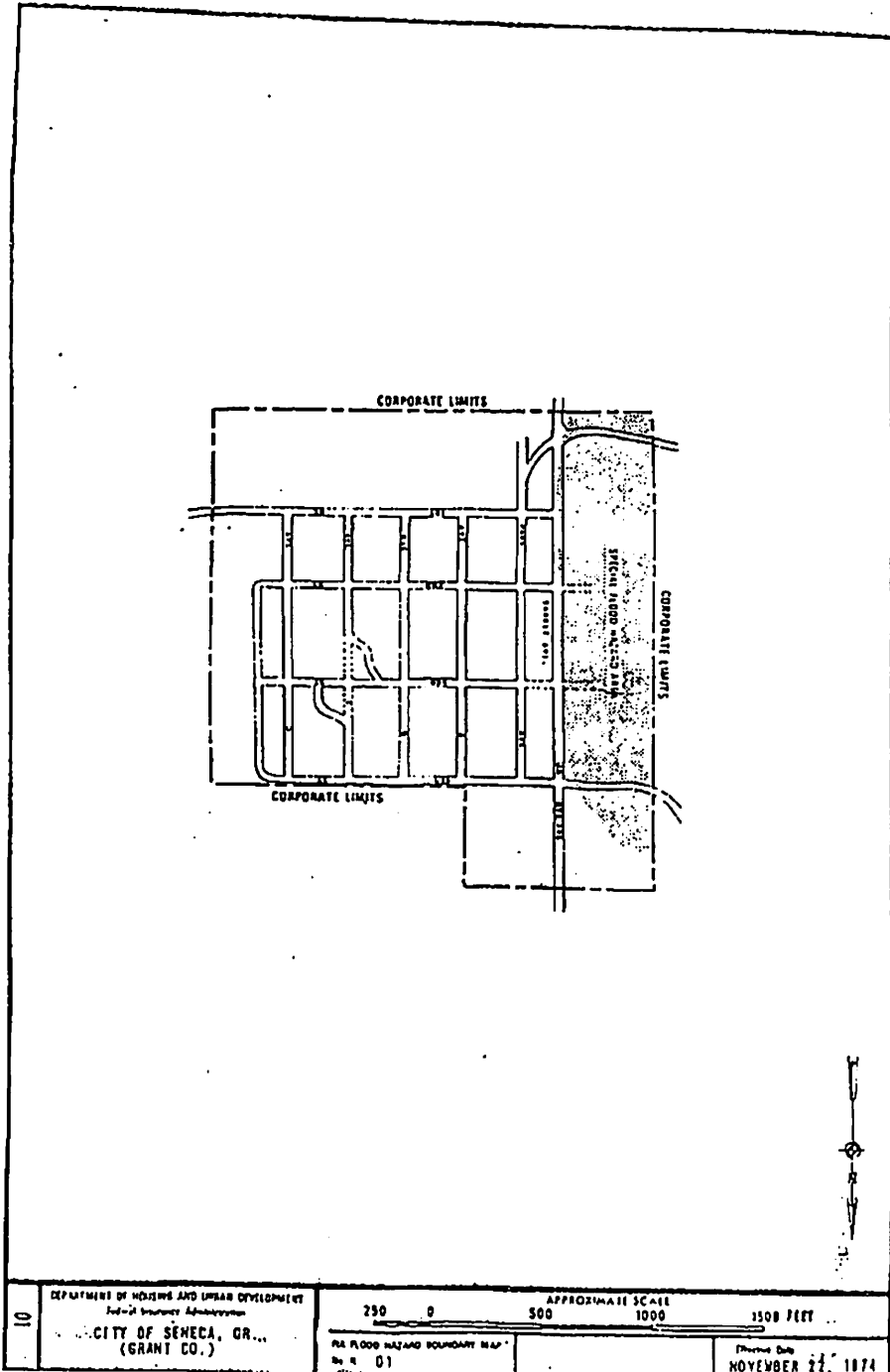
APPENDIX; MAPS AND FIGURES

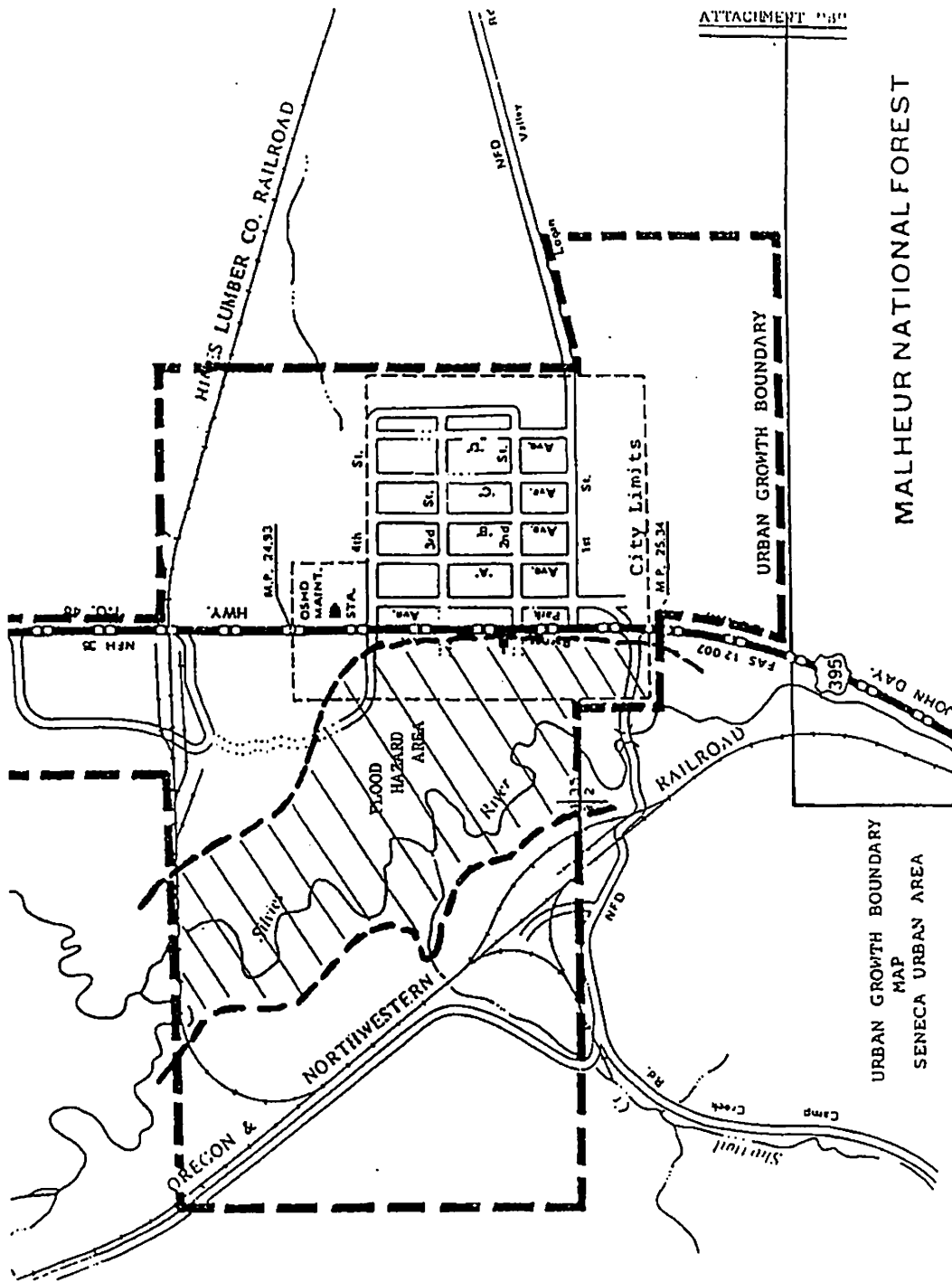
SECTION:

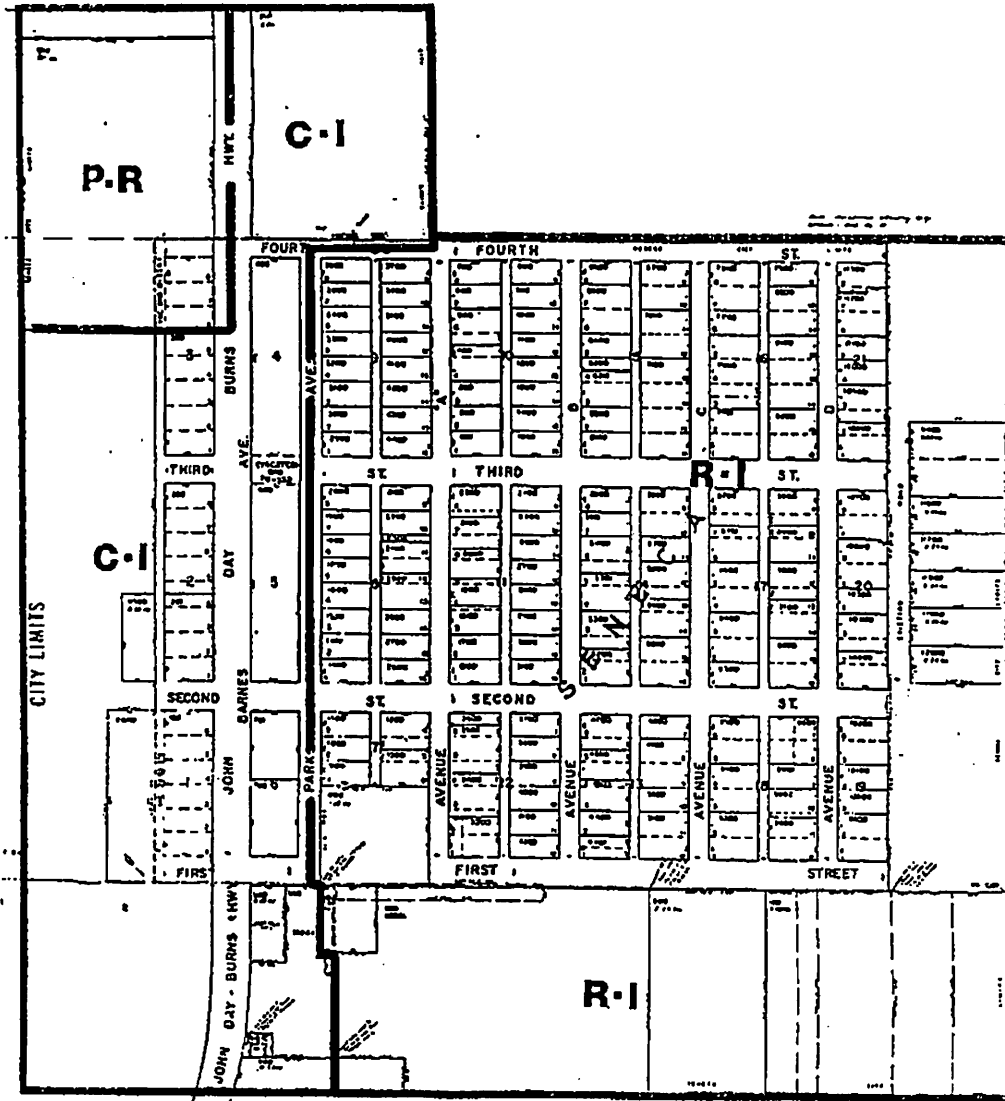
10-12-1: Appendix; Maps And Figures

10-12-1: **APPENDIX; MAPS AND FIGURES:** See the following pages of this chapter for various maps and figures relevant to the provisions of this title.

ATTACHMENT "A"



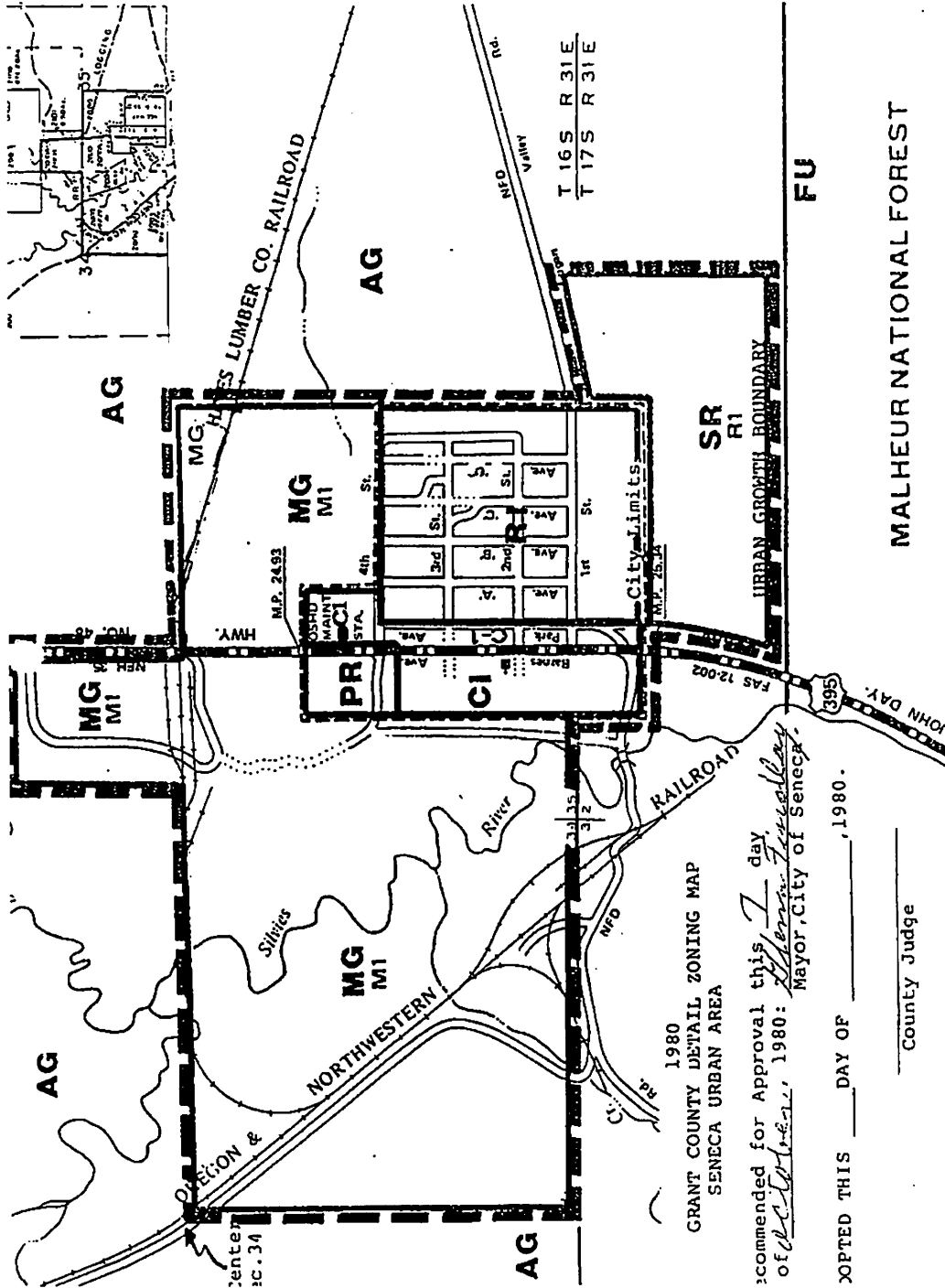




1980 ZONING MAP

SENECA

ADOPTED THIS 7 DAY OF October, 1980.



1980
GRANT COUNTY DETAIL ZONING MAP
SENECA URBAN AREA

Recommended for Approval this 1 day
of October, 1980: Thomas J. Swadlow
Mayor, City of Seneca

ADOPTED THIS _____ DAY OF _____, 1980.

County Judge

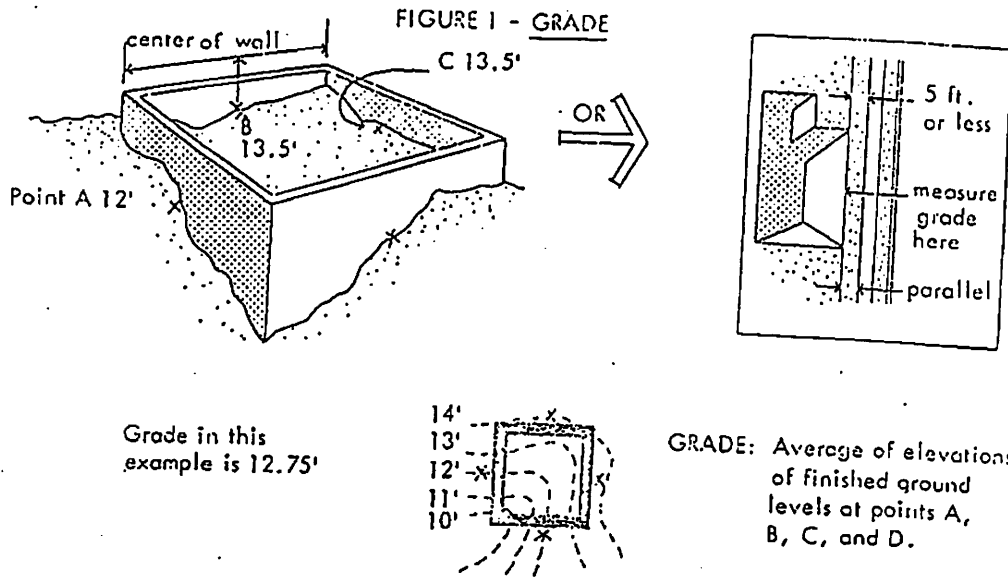


FIGURE 2 - LOT COVERAGE

Example A: Shaded area is Computed Coverage.

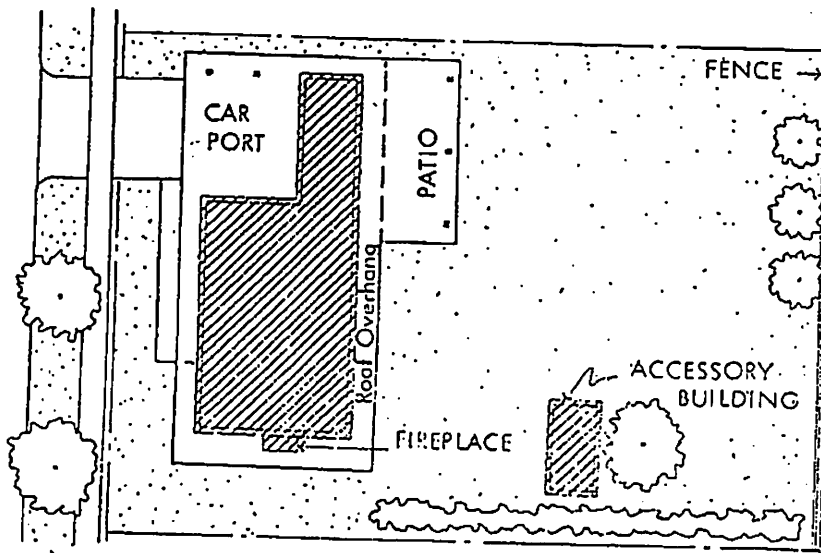


FIGURE 3 LOT LINES, DEPTH and WIDTH

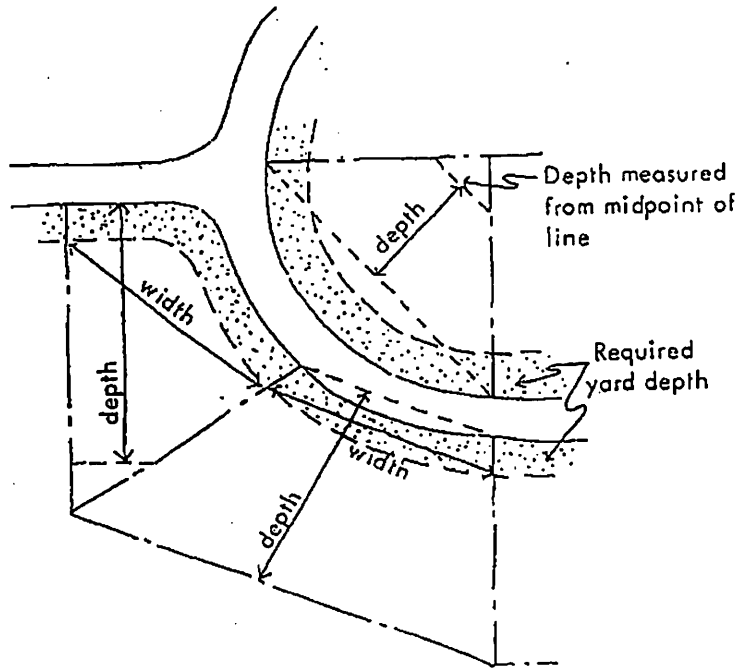
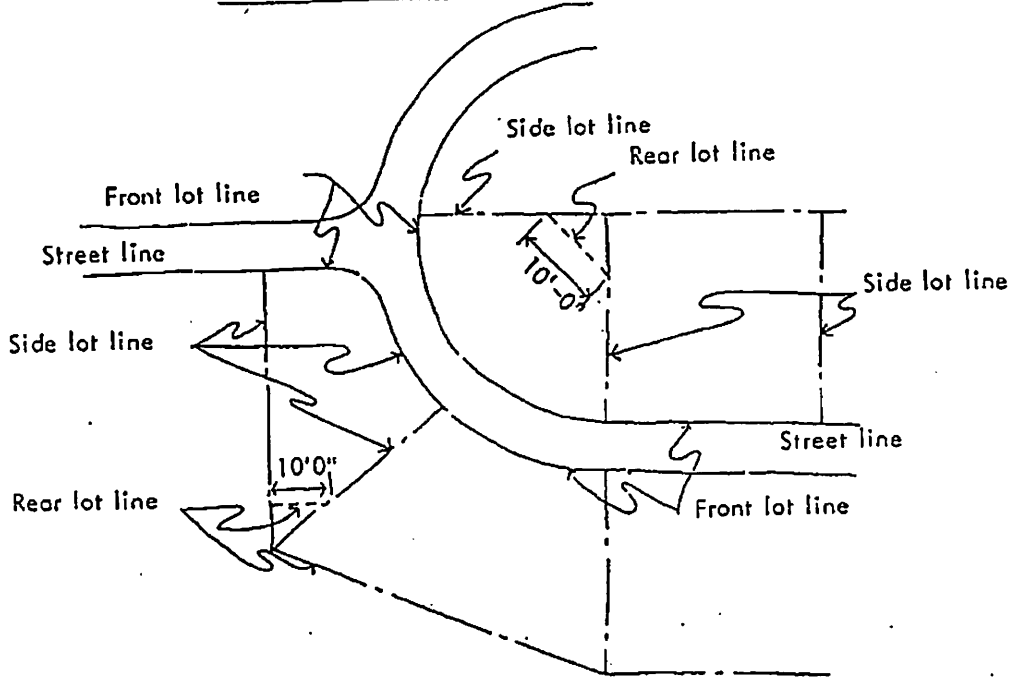


FIGURE 4 CORNER LOTS

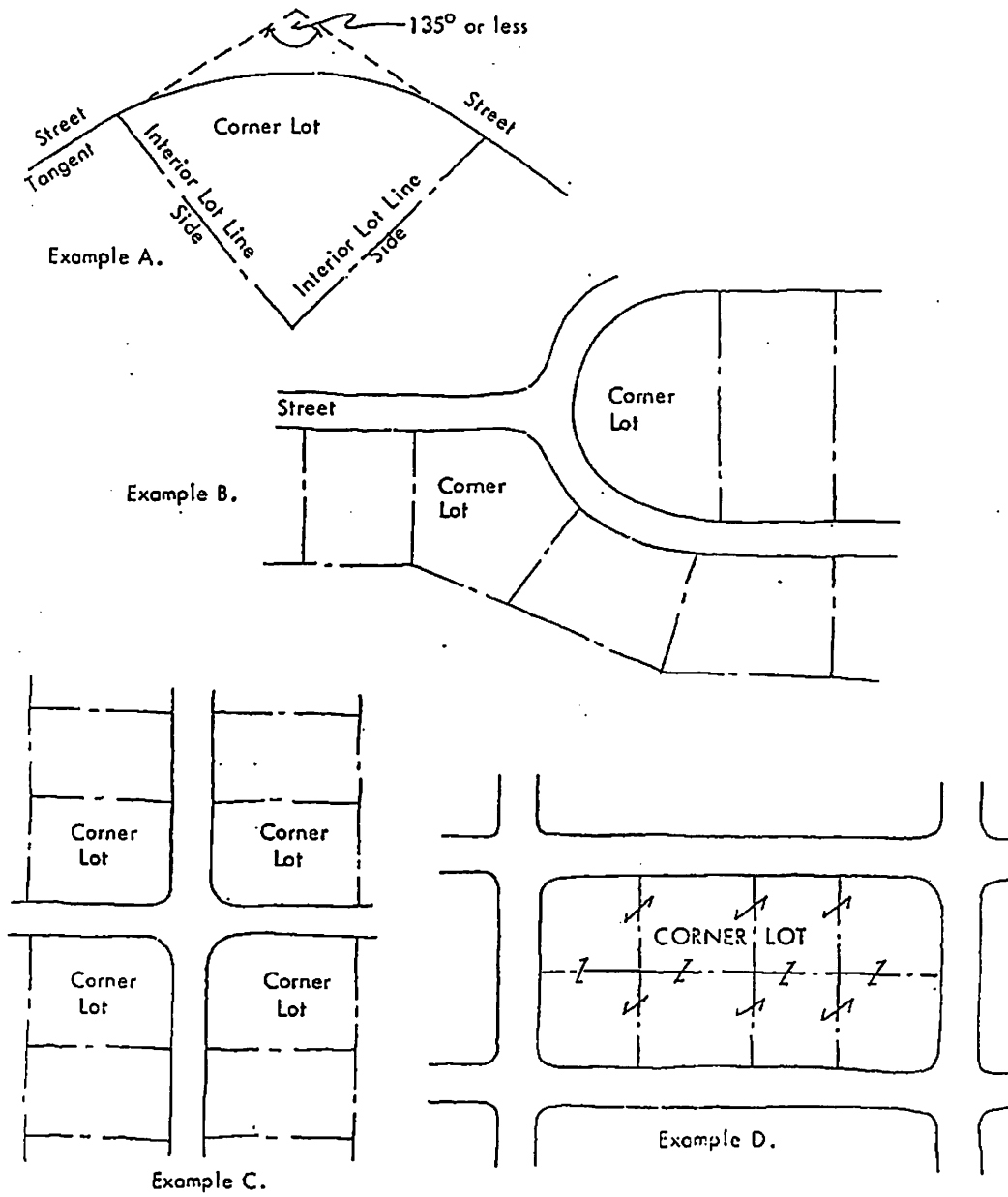
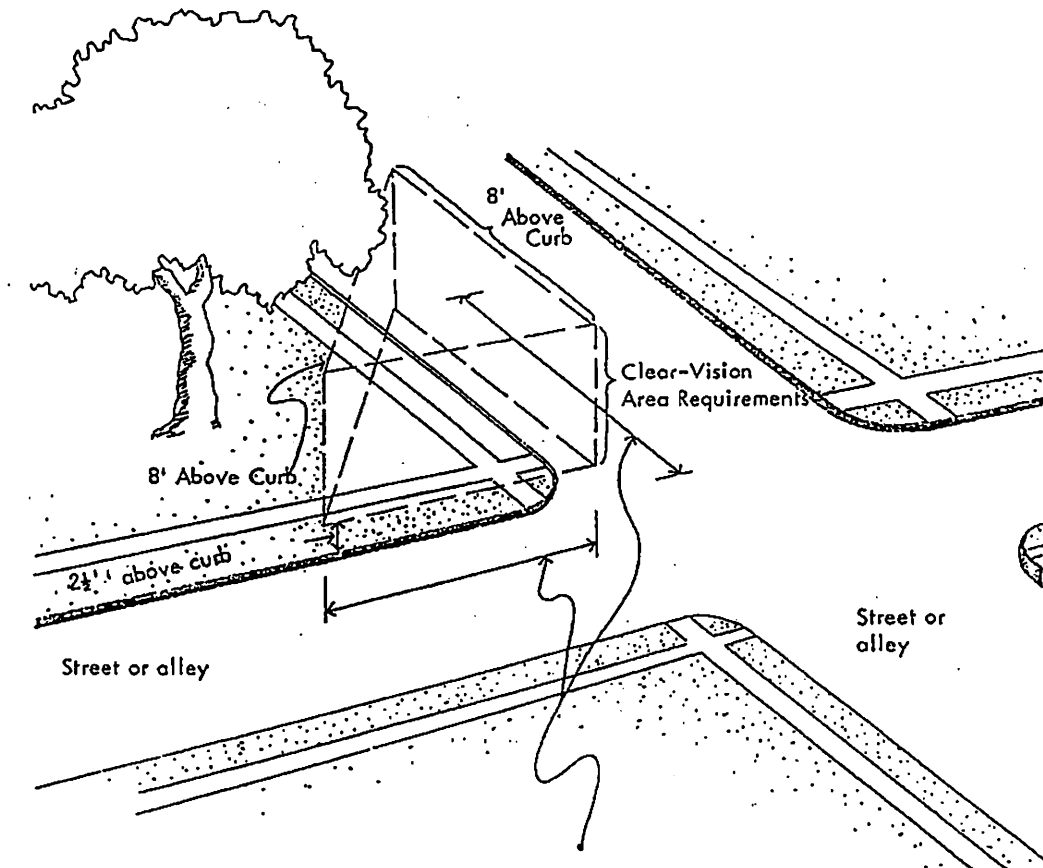


FIG. 5 CLEAR-VISION AREA REQUIREMENTS



This dimension is 30 feet in an Industrial Zone and 20 feet in all other Zones. This dimension on alleys in an Industrial Zone is 10 feet, in all other Zones it is 7 1/2 feet on an alley.

(Ord. 34, 10-7-1980 as amd. 6-1999)